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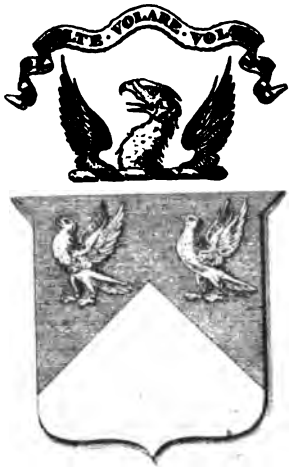

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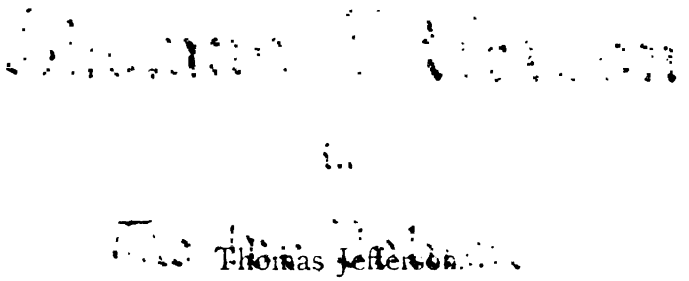

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OF

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		Drafts President's Message.
	28.	Cabinet meeting on Genet.
Dec.	2.	Congress assembles.
	7.	Drafts Cabinet Decisions.
	16.	Reports to Congress on Commerce.
	20.	Opinion on Neutral Trade.
	30.	Makes Supplementary Report on Commerce.
	31.	Resigns Secretaryship of State.
1794.—Jan.	5.	Leaves Philadelphia.
	16.	Arrives at Monticello.

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1794.—Sept.			Has attack of rheumatism.
			Offered foreign mission.
	?		Writes Notes on a Constitution.
1795.			At Monticello.
			Establishes nailery.
	July	26?	Granddaughter Eleanor dies.
	Dec.	?	Writes "Notes" for Ebeling.
1796		?	Invents mould-board for plough.
	Apr.	24.	Writes letter to Mazzei.
	May	12.	Executes mortgage to Van Staphorst & Hubbard.
			Begins remodelling house at Monticello.
	June		Visited by Rochefoucauld-Liancourt.
	Nov.	4.	Elected Vice-President.
1797.—Jan.			Elected President of Philosophical Society.
			Refuses to serve on Boundary Commission.
		1.	Mazzei Letter printed in Florence.
		25.	Mazzei Letter printed in Paris.
	Feb.	8.	Electoral Ballot counted by Congress.
		20.	Leaves Monticello.
		24.	At Georgetown.
	Mar.	2.	Arrives at Philadelphia.
		3.	Calls on Adams.
		4.	Sworn in as Vice-President.
			Offered French Mission.
		6.	Dines with Washington.
		12.	Leaves Philadelphia.
		20.	Arrives at Monticello.
	May.	5.	Leaves Monticello.
		11.	Arrives at Philadelphia.
		14.	Mazzei Letter printed in America.
	June		Attacked by Luther Martin in Newspapers.
	July	6.	Leaves Philadelphia.
		11.	Arrives at Monticello.
	Aug.		Drafts Petition concerning Grand-Juries.
	Oct.	13.	Maria Jefferson marries John Waylies Eppes.
	Dec.	4.	Leaves Monticello.
		6.	Visits Madison at Montpelier.
		12.	Arrives at Philadelphia.
1798.—Feb.		15.	Dines with Adams.
		19.	X. Y. Z. Message.
	Apr.	3.	X. Y. Z. Dispatches transmitted to Congress.
	June	27.	Leaves Philadelphia.
		28.	At Baltimore.

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1798.—July	1.	At Fredericksburg.
	6.	Alien Bill passed.
	9.	At Monticello.
	14.	Sedition Bill passed.
Oct.		Writes Essay on Study of Anglo-Saxon.
		Drafts Petition on Juries.
		Drafts Kentucky Resolutions.
Nov.	14.	Kentucky Legislature adopts resolutions.
		Revises Madison's Virginian Resolutions.
Dec.	18.	Leaves Monticello.
	25.	Arrives at Philadelphia.

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CORRESPONDENCE
AND
MISCELLANEOUS WRITINGS
1793–1798

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UNIV. OF CALIFORNIA

CORRESPONDENCE

AND

MISCELLANEOUS WRITINGS

1793–1798

TO THE PRESIDENT OF THE UNITED STATES

D. S. MSS.

Aug, 22. 1793.

Th. Jefferson has the honor to inclose to the President the letter of the National Assembly to him of Dec. 22. 92. It's most distinct object seems to have been to thank the US. for their succours to St. Domingo. It glances blindly however at commercial arrangements, and on the 19th of Feb. the same assembly passed the decree putting our commerce in their dominions on the footing of natives & directing their Executive Council to treat with us on the subject. On this the following questions arise.

1. Would the President chuse to answer the letter, acknoleging it's receipt, thanking them in turn for the favors to our commerce, and promising to consult the constitutional powers (the Senate) on the subject of the treaty proposed?

2. Would he rather chuse to make no reply to the

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letter, but that Mr. Morris be instructed to negociate a renewal of Mr. Genet's powers to treat to his successor?

3. Or would he chuse that nothing be said on the subject to any body?

If the President would in his judgment be for a treaty on the principles of the decree, or any modification of them, the 1st or 2d measure will be to be adopted.

If he is against a treaty on those principles or any modification of them, the 3d measure seems to be the proper one.

TO THE U. S. MINISTER TO FRANCE (GOUVERNEUR MORRIS) J. MSS.

PHILADELPHIA, August 23, 1793.

DEAR SIR,—The letter of the 16th instant, with its documents accompanying this, will sufficiently inform you of the transactions, which have taken place between Mr. Genet, the minister of France, and the Government here, and of the painful necessity they have brought on, of desiring his recall. The letter has been prepared, in the view of being itself, with its documents, laid before the Executive of the French Government. You will, therefore, be pleased to lay it before them, doing everything which can be done on your part, to procure it a friendly and dispassionate reception and consideration. The President would indeed think it greatly unfortunate, were they to take it in any other light; and, therefore, charges you, very particularly, with the case of presenting this proceeding in the most soothing

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view, and as the result of an unavoidable necessity on his part.

Mr. Genet, soon after his arrival, communicated the decree of the National Convention of February 19, 1793, authorizing their Executive to propose a treaty with us on liberal principles, such as might strengthen the bonds of good will, which unite the two nations; and informed us in a letter of May 23, that he was authorized to treat accordingly. The Senate being then in recess, and not to meet again till fall, I apprized Mr. Genet that the participation in matters of treaty, given by the Constitution to that branch of our Government, would, of course, delay any definitive answer to his friendly proposition. As he was sensible of this circumstance, the matter has been understood to lie over, till the meeting of Senate. You will be pleased, therefore, to explain to the Executive of France this delay, which has prevented, as yet, our formal accession to their proposition to treat; to assure them, that the President will meet them, with the most friendly dispositions, on the grounds of treaty proposed by the Nationial Convention, as soon as he can do it in the forms of the Constitution; and you will, of course, suggest for this purpose, that the powers of Mr. Genet be renewed to his successor.

CABINET OPINIONS ON RECALL OF GENET J. MSS.

Aug. 23d, 1793.

At a meeting of the Heads of Departments and the Attorney General at the President's, on the 1st and

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2d of August, 1793, on a review of the whole of Mr. Genet's correspondence and conduct, it was unanimously agreed, that a letter should be written to the Minister of the United States at Paris, stating the same to him, resuming the points of difference which had arisen between the government of the United States and Mr. Genet, assigning the reasons for the opinions of the former, and desiring the recall of the latter; and that this letter, with those which have passed between Mr. Genet and the Secretary of State, and other necessary documents, shall be laid by Mr. Morris, before the Executive of the French government.

At a meeting of the same at the President's, August 15th, the rough draft of the said letter, having been prepared by the Secretary of State, was read for consideration, and it was agreed that the Secretary of the Treasury should take measures for obtaining a vessel, either by hire or purchase, to be sent to France express with the dispatches when ready.

At a meeting of the same at the President's, August 20th, said letter was read and corrected by paragraphs, and finally agreed to.

At a meeting of the same at the President's, August 23d, it was agreed that the proceeding letter should bear the date of the last document which is to accompany it, to wit, August 16th; and unanimously approved, and to bear date this day.

Sealed and signed this 23d day of August, 1793.

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TO JAMES MADISON MAD.MSS.

Aug. 25. 93.

You will perceive by the enclosed papers that Genet has thrown down the gauntlet to the President by the publication of his letter & my answer, and is himself forcing that appeal to the public, & risking that disgust, which I had so much wished should have been avoided. The indications from different parts of the continent are already sufficient to shew that the mass of the republican interest has no hesitation to disapprove of this intermeddling by a foreigner, & the more readily as his object was evidently, contrary to his professions, to force us into the war. I am not certain whether some of the more furious republicans may not schismatize with him.

The following arrangements are established.

Sept. 10. the Pr. sets out for Mt. Vernon, & will be here again the 30th. Oct. 5th or a little sooner I set out to be absent 6. weeks, by agreement. Consequently I shall be here again about Nov. 17. to remain to Dec. 31. I break up my house the last of Septemb. Shall leave my carriage & horses in Virginia & return in the stage, not to have the embarrassment of ploughing them through the mud in January. I shall take private lodgings on my return.—Billy who is just going on a nautical expedition to Charlestown, called on me yesterday to desire I would send you the enclosed account which he said was necessary for you to debit those for whom the articles were. Adieu.

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CABINET OPINION ON PRIVATEERS AND PRIZES W. MSS.

Aug. 31, 1793.

At a meeting of the Heads of departments & Attorney General at the President's on the 31st day of Aug. 1793.

A letter from Mr. Gore to Mr. Lear, dated Boston Aug. 24. was read, stating that the *Roland*, a privateer fitted out at Boston, & furnished with a commission under the government of France, had sent a prize into that port, which being arrested by the Marshal of the district by process from a court of justice, was rescued from his possession by M. du Plaine Consul of France, with an armed force from one of the ships of his nation, it is the opinion that the Attorney of the district be instructed to institute such prosecution as the laws will authorize against the said du Plaine; and to furnish to the government of the U. S. authentic evidence of the facts before mentioned, whereon if it shall appear that the rescue was made by the sd. du Plaine, or his order, it is the opinion that his Exequetur should be revoked.— Also that the Attorney of the district be desired to furnish copies of his applications or other correspondence with the Governor of Massachusetts relative to the several privateers & prizes which have been the subjects of his letters to Mr. Lear.

A letter from Mr. Maury Consul for the U. S. at Liverpool dated July 4. 1793. was read, covering an inauthenticated copy of certain additional instructions from the court of St. James's to the commanders of their ships of war, dated June 8. 1793. permitting them to stop the vessels of neutral nations

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laden with corn, flour or meal & bound to any port of France, & to send them into British ports, from whence they are not to be permitted to proceed to the port of any country not in amity with Gr. Britain. Whereupon it is the opinion that Mr. Pinckney be provisionally instructed to make representations to the British ministry on the sd. instruction as contrary to the rights of neutral nations and to urge a revocation of the same and full indemnification to any individuals, citizens of these states, who may in the mean time suffer loss in consequence of the sd. instruction. Also that explanations be desired by Mr. Pinckney of the reasons of the distinction made in the 2d. Article of the sd. instructions between the vessels of Denmark & Sweden & those of the U. S. attempting to enter blockaded ports.

Information having been also received thro' the public papers of a decree passed by the National assembly of France revoking the principle of free ships making free goods & enemy ships enemy goods, and making it lawful to seize neutral vessels bound with provisions to another country & to carry them into the ports of France, there to be landed & paid for, & also of another decree excepting the vessels of the U. S. from the operation of the preceding decrees, it is the opinion that Mr. Morris be provisionally instructed, in case the first mentioned decrees have passed & not the exceptions, to make representations thereon to the French government as contrary to the treaty existing between the two countries & the decree relative to provisions contrary also to the law of nations & to require a revocation

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thereof and full indemnification to any citizen of these states who may in the mean time have suffered loss therefrom, and also in case the sd. decrees & the exceptions were both passed that then a like indemnification be made for losses intervening between the dates of the sd. decrees & exceptions.[1]

A Letter from the Governor of Georgia of the 13 instant covering the proceedings of a Council of War relatively to an expedition against certain towns of the Creek Nation was communicated for consideration.

It is the opinion that the Governor of Georgia be informed that the President disapproves the measure as unauthorised by law as contrary to the present state of affairs and to the instructions heretofore given and expects that it will not be proceeded in, that requiring the previous consideration of Congress it will be submitted to them at their ensuing session, if circumstances shall not then render it unnecessary or improper: that the Governor of South Carolina be also informed that the co-operation desired of him by the Governor of Georgia is not to be afforded, and that the Agent for procuring supplies of provisions for the service of the United States in Georgia be instructed, that no provisions are to be furnished on their account for the purpose of the said expedition.

[1] This is in the handwriting of Jefferson up to this point, thence to the end it is in Hamilton's writing. In Hamilton's *Works of Hamilton* the whole is claimed to have been drafted by him.

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TO JAMES MADISON MAD. MSS.

Sep. 1, 93.

My last was of the 25th, since that I have received yours of the 20th, and Col. M's of the 21st. Nothing further has passed with mr. Genet, but one of his Consuls has committed a pretty serious deed at Boston, by going with an armed force taken from a French frigate in the harbor, and rescuing a vessel out of the hands of the marshal who had arrested her by process from a court of justice. In another instance he kept off the marshal by an armed force from serving a process on a vessel. He is ordered consequently to be arrested himself prosecuted & punished for the rescue, and his Exequatur will be revoked.—You will see in the newspapers the attack made on our commerce by the British king in his *additional instructions* of June 8. Tho' we have only newspaper information of it, *provisional* instructions are going to mr. Pinckney to require a revocation of them and indemnification for all losses which individuals sustain by them in the meantime. Of the revocation I have not the least expectation. I shall therefore be for laying the whole business (respecting both nations) before Congress. While I think it impossible they should not approve of what has been done disagreeable to the friendly nation, it will be in their power to soothe them by strong commercial retaliations against the hostile one. Pinching their commerce will be just against themselves, advantageous to us, and conciliatory towards our friends of the hard necessities into which their agent has driven us. His conduct has given room for the enemies of

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liberty & of France, to come forward in a stile of acrimony against that nation which they never would have dared to have done. The disapprobation of the agent mingles with the reprehension of his nation & gives a toleration to that which it never had before. He has still some defenders in Freneau, & Greenleaf's papers, who they are I know not: for even Hutcheson & Dallas give him up. I enclose you a Boston paper, which will give you a specimen of what all the papers are now filled with. You will recognize mr. A—— under the signature of Camillus. He writes in every week's paper now, & generally under different signatures. This is the first in which he has omitted some furious *incartade* against me. Hutcheson says that Genet has totally overturned the republican interest in Philadelphia. However, the people going right themselves if they always see their republican advocates with them, an accidental meeting with the monocrats will not be a coalescence.—You will see much said & again said, about G.'s threat to appeal to the people. I can assure you it is a fact.—I received yesterday the MS. you mentioned to me from F——n. I have only got a dozen pages into it, and never was more charmed with anything. Profound arguments presented in the simplest point of view entitle him really to his antient signature. In the papers received from you I have seen nothing which ought to be changed, except a part of one sentence not necessary for it's object, & running foul of something of which you were not apprized. A malignant fever has been generated in the filth of Water street which gives great alarm. About 70. people had died

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of it two days ago, & as many more were ill of it. It has now got into most parts of the city & is considerably infectious. At first 3. out of 4. died, now about 1. out of 3. It comes on with a pain in the head, sick stomach, then a little chill, fever, black vomiting and stools, and death from the 2d to the 8th day. Everybody who can, is flying from the city, and the panic of the country people is likely to add famine to the disease. Tho' becoming less mortal, it is still spreading, and the heat of the weather is very unpropitious. I have withdrawn my daughter from the city, but am obliged to go to it every day myself.—My threshing machine is arrived at New York. Mr. Pinckney writes me word that the original from which this model is copied threshes 150. bushels of wheat in 8. hours, with 6. horses and 5. men. It may be moved either by water or horses. Fortunately the workman who made it (a millwright) is come in the same vessel to settle in America. I have written to persuade him to go on immediately to Richmd, offering him the use of my model to exhibit, and to give him letters to get him into immediate employ in making them. I expect an answer before I write to you again. I understand that the model is made mostly in brass, & in the simple form in which it was first ordered, to be worked by horses. It was to have cost 5. guineas, but Mr. Pinckney having afterwards directed it to be accommodated to water movement also, it has made it more complicated, and costs 13. guineas. It will thresh any grain from the Windsor bean down to the smallest. Adieu.

P.S. The market was the last winter from 25. to

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50 per cent higher than it was in the winter preceding. It is now got to from 50. to 100. per cent higher. I think by the winter it will be generally 100 per cent on the prices of 1790. European goods are also much risen. Of course you must expect a rise in the boarding houses compounded of these two. In the mean time the produce of the farmer, say wheat, rice, tobacco has not risen a copper. The redundancy of paper then in the cities is palpably a tax on the distant farmer.

P.S. Sep. 2. I have made great progress into the Ms. and still with the same pleasure. I have no doubt it must produce great effect. But that this may be the greatest possible, it's coming out should be timed to the best advantage. It should come out just so many days before the meeting of Congress as will prevent suspicions of it's coming with them, yet so as to be a new thing when they arrive, ready to get into their hands while yet unoccupied, before the panic of the culprit shall be over, or any measures for defeating it's first effect may be taken. I will direct it to appear a fortnight before their meeting unless you order otherwise. It might as well be thrown into a churchyard, as come out now.

TO THE U. S. ATTORNEY FOR MASSACHUSETTS J.MSS.
(CHRISTOPHER GORE)

PHILADELPHIA, Sepr 2, 1793.

SIR,—The President is informed through the channel of a letter from yourself to mr. Lear, that M. du Plaine, Consul of France at Boston, has lately, with

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an armed force, seized & rescued a vessel from the officer of a court of justice, by process from which she was under arrest in his custody: and that he has in like manner, with an armed force, opposed & prevented the officer, charged with process from a court against another vessel, from serving that process. This daring violation of the laws requires the more attention, as it is by a foreigner clothed with a public character, arrogating an unfounded right to Admiralty jurisdiction, and probably meaning to assert it by this act of force. You know that by the law of nations, Consuls are not diplomatic characters, and have no immunities whatever against the laws of the land. To put this altogether out of dispute, a clause was inserted in our Consular Convention with France, making them amenable to the laws of the land, as other inhabitants. Consequently, M. du Plaine is liable to arrest, imprisonment, & other punishments, even capital, as other foreign subjects resident here. The President therefore desires that you will immediately institute such a prosecution against him, as the laws will warrant. If there be any doubt as to the character of his offence, whether of a higher or lower grade, it will be best to prosecute for that which will admit the least doubt, because an acquittal, though it might be founded merely on the opinion that the grade of offence with which he is *charged* is higher than his *act* would support, yet it might be construed by the uninformed to be a judiciary decision against his amenability to the law, or perhaps in favor of the jurisdiction these consuls are assuming. The process therefore, should be of

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the surest kind, and all the proceedings well grounded. In particular, if an arrest, as is probable, be the first step, it should be so managed as to leave room neither for escape nor rescue. It should be attended with every mark of respect, consistent with safe custody, and his confinement as mild & comfortable also, as that would permit. These are the distinctions to which a Consul is entitled, that is to say, of a particular decorum of deportment towards him, indicative of respect to the sovereign whose officer he is.

The President also desires you will immediately obtain the best evidence it shall be in your power to procure, under oath or affirmation, of the transaction stated in your letter, and that in this, you consider yourself as acting as much on behalf of M. du Plaine as the public, the candid truth of the case being exactly that which is desired, as it may be the foundation of an act, the justice of which should be beyond all question. This evidence I shall be glad to receive within as few days, or even hours, of delay as possible.

I am also instructed to ask the favor of you to communicate copies of any memorials, representations or other written correspondence which may have passed between the Governor & yourself, with respect to the privateers & prizes which have been the subject of your letters to mr. Lear.

TO THOMAS MANN RANDOLPH J. MSS.

PHILADELPHIA, September 2, 1793.

DEAR SIR,—I wrote to you on the 26th ult., since which I have received yours of the 14th ult. Maria

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is well, and is with me on the Schuylkill. A malignant fever has been generated in the filth of the docks of Philadelphia which has given great alarm. It is considerably infectious. At 1st 3. out of 4. died, at present not more than one out of three. Several days ago (my latest information), about 70. had died and about that number were ill of it. It is called commonly a yellow fever, but by the physicians Typhus gravior. Begins with a pain in the head, sickness in the stomach, with a slight rigor, fever, black vomitings and fæces, and death from the 2nd to the 8th day. At first it was confined to Water street, but is now in many parts of the city. It is still spreading, tho' become less mortal. Everybody, who can, is flying from the city, and the country people, being afraid to come to the market, there is fear of a want of supplies. Tho' there is some degree of danger, yet, as is usual, there is much more alarm than danger; and knowing it to be usual also to magnify these accounts in proportion to distance, I have given you the particulars, that you may know exactly, what the case is.—My threshing machine is arrived at New York, and will be here this week. Mr. Pinckney writes me that the model from which my model is taken, gets out 150. bushels of wheat in 8. hours with 6. horses and 5. men. It will thresh any grain from the Windsor-bean to the milled, and may be moved by horses or water: It happens that the workman who made it (a millwright) is come over in the same vessel. I have written to advise him to go to Virginia, and commence building these machines, offering him the use of my model to ex-

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hibit in Richmond if he chuses, in order to get himself into work.—Your letter of the 14th does not mention the receipt of any of mine on the subject of sending on the horse. Still however presuming some of them will have got to hand [*illegible*] Tarquin so that he will arrive at Georgetown the day after to-morrow. He has orders to wait there a week if necessary.—The character you give Giovannini is a just one. He is sober, industrious and honest. He lived with me as a gardener some time before I went to Europe, however I shall find it necessary to have a gardener constantly at his business, and think to teach a negro at once. Our last accounts from France are of a very mixed complexion. The combined armies had made no progress, the insurgents of Brittany had obtained a signal victory, and had afterwards been more signally defeated, but not suppressed.—My love to my dear Martha and am dear Sir yours affectionately and constantly.

TO THE BRITISH MINISTER[1] J. MSS.

(GEORGE HAMMOND)

PHILADELPHIA, September 5, 1793.

SIR,—I am honored with yours of August 30th. Mine of the 7th of that month assured you that

[1] Sent to the President with the following undated letter:

"Th: Jefferson has the honor to enclose to the President his letter of Aug. 7. to mr. Hammond, which was confined to the special cases of the three vessels therein named. The object of mr. Hammond's letter of Aug. 30. is to obtain from the government a declaration that the principle of those special cases shall be extended to all captures made within our waters or by the proscribed vessels, whether *before* or *after* the 7th of Aug. and to establish, as a general rule, *restitution*, or *com-*

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measures were taking for excluding, from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes, the *Lovely Lass*, *Prince William Henry*, and the *Jane* of Dublin, and that should the measures for restitution fail in their effect, the President considers it as incumbent on the United States, to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, *by all the means in our power* to protect and defend their vessels and effects in our ports or waters, or in the Seas near our shores, and to recover and restore the same to the right owners, when taken from them. If all the means in our power are used, and fail in their effect, we are not bound, by our treaties with those nations, to make compensation.

Though we have no similar Treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule which, under this article, was to govern us with the other nations; and even to extend it to captures made on *the high Seas* and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forborne to use *all the measures in our power* for the restitution of the

pensation. The forming a general rule requires great caution. Th: J in preparing a draught of an answer to mr. Hammond, has endeavoured to establish what he thinks the true grounds on which a general rule should be formed. But, if the President approves of it, he would wish to send the draught to the Secretaries of the Treasury and war, and Atty Genl. for their consideration and amendments, or to meet the subject, when an answer to the latter part of the letter might also be agreed on."

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three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June and *before the date of that letter*, yet, where the same forbearance had taken place, it was and is his opinion that compensation would be equally due.

As to prizes made under the same circumstances, and brought in *after the date of that letter*, the President determined that all the means in our power should be used for their restitution. If these fail us, as we should not be bound by our treaties to make compensation to the other powers, in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States, to use all the means in their power for restoring prizes of this last description, found within their ports. Though they will, of course take measures to be informed of them, and the General Government has given them the aid of the Custom House officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself or any person under your direction, in order that the governors may use the means in their power, for making restitution. Without knowledge

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of the capture, they cannot restore it. It will always be best to give the notice to them directly: but any information which you shall be pleased to send to me also, at any time, shall be forwarded to them as quickly as the distance will permit.

Hence you will perceive, Sir, that the President contemplates restitution or *compensation*, in the cases *before* the seventh of august, and, *after* that date, *restitution*, if it can be effected by any means in our power: and that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

With respect to losses by detention, waste, spoliation, sustained by vessels taken as before mentioned between the dates of June 5 and Aug 7, it is proposed, as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the times of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collectors of the customs where the respective vessels are.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

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CABINET DECISIONS W. MSS.

Sept. 7. 1793.

At a meeting at the President's Sep. 7. 1793.

A circular letter from the Secretary of state to the Consuls & Vice Consuls of France, informing them that their Exequaturs will be revoked if they repeat certain proceedings, also one to Mr. Genet covering a copy of the letter of the Secretary of State to Mr. Gouverneur Morris desiring the recall of Mr. Genet, were read & approved.

A letter from the Govern[r] of Georgia to the Sec[y] of state dated Aug. 21. 1793. was read communicating the demand by the Vice Consul of France in Georgia of certain individuals under prosecution in a court of justice. It is the opinion that he be answered that the law must take it's course.

A memorial from Mr. Hammond dated Sep. 6. complaining of the capture of the British brig the *William Tell* by the French brig *le Cerf*, within the limits of the protection of the U. S. and the refusal of the French Minister & Consul to have the prize delivered into the hands of a Marshal charged with process from a court to arrest her, was read. It is the opinion that a letter be written to Mr. Genet calling for evidence in the cases of the vessels heretofore reclaimed & not yet finally decided on, & which were permitted to remain in the hands of the French Consuls in the mean time, informing him that the letter of June 25. was not intended to authorize opposition to the officers, or orders, of courts respecting vessels taken within the limits of our protection, that therefore the brig *William Tell* ought to be de-

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livered into the hands of the officer charged to arrest her, and that in the event of the court's deciding that it has no jurisdiction of the case, as in that of the ship *William* whereon the letter of June 25. was written, she may again be replaced in the Consul's hands till the Executive shall have decided thereon.

A letter from Lt Govr Wood dated Aug. 29. stating that the French vessel the *Orion* was arrived in Norfolk & had brought in the *Sans Culottes* as a prize, and doubting whether from the particular circumstances of this prize she came within the general orders heretofore given. It is the opinion that the situation of the *Sans Culottes* is the same in respect to England & France as any other French vessel not fitted in our ports, and therefore that the *Orion* is within the 17th article of our treaty, & the rules heretofore given on that subject.

A memorial from Mr. Hammond dated Sep. 4. was read complaining of the long stay of the French fleet in New York, that a regular succession of them appears to be appointed for cruizing on the coasts, that a jurisdiction over prizes is exercised by the French Consuls, and desiring to be informed whether it be the intention of the Executve to permit this indefinitely. It is the opinion that Mr. Hammond be informed that effectual measures are taken to put an end to the exercise of admiralty jurisdiction by the French Consuls, that the French have by treaty a right to come into our ports with their prizes, exclusively, that they have also a right by treaty to enter our ports for any urgent necessity, that this right is exclusive as to privateers but not so as to

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public vessels of war and has therefore not been denied to British ships of war nor has the Executive as yet prescribed to either any limits to the time they may remain in their ports.

A letter from Mr. Bordman at Boston dated Sep. 4. was read complaining of the capture of the schooner *Flora* an American vessel by the *Roland*, one of the illicit privateers. It is the opn. he must seek redress in the courts of law.

The draught of a letter to Mr. Pinckney on the additional instructions of the court of St. James's dated June 8. 93. was read and approved.

A Question was proposed by the President Whether we ought not to enquire from Mr. Hammond if he is prepared to give an answer on the subject of the inexecution of the treaty? It is the opinion that it will be better to await the arrival of the next packet, then to make the application to Mr. Hammond, and if he be not prepared to answer, that Mr. Pinckney be instructed to remonstrate on the subject to the British court.

TH: JEFFERSON. H. KNOX. EDM. RANDOLPH.

TO THE U. S. MINISTER TO GREAT BRITAIN J. MSS.
(THOMAS PINCKNEY)

PHILADELPHIA, Sept. 7, 1793.

SIR,—We have received, through a channel which cannot be considered as authentic, the copy of a paper styled "Additional instructions to the commanders of his Majesty's ships of war and privateers," &c. dated at St. James's, June 8, 1793. If

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this paper be authentic, I have little doubt but that you have taken measures to forward it to me. But as your communications of it may miscarry, and time, in the meanwhile, be lost, it has been thought better that it should be supposed authentic; that, on that supposition, I should notice to you its very exceptionable nature, and the necessity of obtaining explanations on the subject from the British Government; desiring, at the same time, that you will consider this letter as provisionally written only, and as if never written, in the event that the paper, which is the occasion of it, be not genuine.

The first article of it permits all vessels, laden wholly or in part with corn, flour or meal, bound to any port in France, to be stopped, and sent into any British port, to be purchased by that Government, or to be released only on the condition of security given by the master, that he will proceed to dispose of his cargo in the ports of some country *in amity with his Majesty.*

This article is so manifestly contrary to the law of nations, that nothing more would seem necessary, than to observe that it is so. Reason and usage have established, that when two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations; to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual; to go and come freely, without injury or molestation; and, in short, that the war among others shall be, for them, as if it did not exist. One restriction on those mutual rights has been

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submitted to by nations at peace; that is to say, that of not furnishing to either party implements merely of war, for the annoyance of the other, or anything whatever to a place blockaded by its enemy. What these implements of war are, has been so often agreed, and is so well understood, as to leave little question about them at this day. There does not exist, perhaps, a nation in our common hemisphere which has not made a particular enumeration of them, in some or all of their treaties, under the name of contraband. It suffices for the present occasion to say, that corn, flour, and meal, are not of the class of contraband, and consequently remain articles of free commerce. A culture, which, like that of the soil, gives employment to such a proportion of mankind, could never be suspended by the whole earth, or interrupted for them, whenever any two nations should think proper to go to war.

The state of war, then, existing between Great Britain and France, furnishes no legitimate right either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations; and consequently the assumption of it will be as lawful hereafter as now, in peace as in war. No ground acknowledged by the common reason of mankind, authorizes this act now, and unacknowledged ground may be taken at any time and all times. We see, then, a practice begun, to which no time, no circumstances, prescribe any limits, and which strikes at the root of our agriculture, that branch of industry which gives food, clothing, and comfort, to the great mass of the inhabitants of

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these States. If any nation whatever has a right to shut up, to our produce, all the ports of the earth, except her own, and those of her friends, she may shut up these also, and so confine us within our own limits. No nation can subscribe to such pretensions; no nation can agree at the mere will or interest of another, to have its peaceable industry suspended, and its citizens reduced to idleness and want. The loss of our produce, destined for foreign markets, or that loss which would result from an arbitrary restraint of our markets, is a tax too serious for us to acquiesce in. It is not enough for a nation to say, we and our friends will buy your produce. We have a right to answer, that it suits us better to sell to their enemies as well as their friends. Our ships do not go to France to return empty; they go to exchange the surplus of our produce, which we can spare, for surpluses of other kinds, which they can spare, and we want; which they can furnish on better terms, and more to our mind, than Great Britain or her friends. We have a right to judge for ourselves what market best suits us, and they have none to forbid to us the enjoyment of the necessaries and comforts which we may obtain from any other independent country.

This act, too, tends directly to draw us from that state of peace, in which we are wishing to remain. It is an essential character of neutrality, to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit

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it to France. To restrain it, would be a partiality which might lead to war with France, and, between restraining it ourselves, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a mere pretext, of which she would not be the dupe; and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged, by this unauthorized act of Great Britain into a war with which we meddle not, and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it. In the case where we found ourselves obliged, by treaty, to withhold from the enemies of France the right of arming in our ports, we thought ourselves in justice bound to withhold the same right from France also, and we did it. Were we to withhold from her supplies of provisions, we should, in like manner, be bound to withhold them from her enemies also, and thus shut to ourselves all the ports of Europe, where corn is in demand, or make ourselves parties in the war. This is a dilemma, which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation; but she can have no right of doing it at our loss, nor of making us the instrument of it.

The President, therefore, desires that you will immediately enter into explanations on this subject with the British Government. Lay before them, in friendly and temperate terms, all the demonstrations of the injury done us by this act, and endeavor to obtain a revocation of it, and full in-

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demnification to any citizens of these States, who may have suffered by it in the mean time. Accompany your representations with every assurance of our earnest desire to live on terms of the best friendship and harmony with them, and to found our expectation of justice on their part on a strict observance of it on ours.

It is with concern, however, I am obliged to observe, that so marked has been the inattention of the British court to every application which has been made to them on any subject, by this Government, (not a single answer, I believe, having ever been given to one of them, except in the act of exchanging a minister) that it may become unavoidable, in certain cases, where an answer of some sort is necessary, to consider their silence as an answer; perhaps this is their intention. Still, however, desirous of furnishing no color of offence, we do not wish you to name to them any terms for giving an answer. Urge one as much as you can without commitment, and on the first day of December be so good as so give us information of the state in which this matter is, that it may be received during the session of Congress.

The second article of the same instruction allows the armed vessels of Great Britain to seize, for condemnation, all vessels on their first attempt to enter a blockaded port, except those of Denmark and Sweden, which are to be prevented only, but not seized on their first attempt. Of the nations inhabiting the shores of the Atlantic ocean, and practising its navigation, Denmark, Sweden, and the

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United States, alone are neutral. To declare, then, all *neutral* vessels (for as to the vessels of the *belligerent* Powers, no order was necessary) to be legal prize, which shall attempt to enter a blockaded port, except those of *Denmark* and *Sweden*, is exactly to declare that the *vessels of the United States* shall be lawful prize, and those of Denmark and Sweden shall not. It is of little consequence that the article has avoided naming the United States, since it has a description applicable to them, and to them alone, while it exempts the others from its operation, by name. You will be pleased to ask an explanation of this distinction, and you will be able to say in discussing its justice, that in every circumstance we treat Great Britain on the footing of the most favored nation, where our treaties do not preclude us, and that even these are just as favorable to her as hers are to us. Possible she may be bound by treaty to admit this exception in favor of Denmark and Sweden, but she cannot be bound by treaty to withhold it from us; and if it be withheld merely because not established with us by treaty, what might not we, on the same ground, have withheld from Great Britain, during the short course of the present war, as well as the peace which has preceded it.

Whether these explanations with the British Government shall be verbal or in writing, is left to yourself. Verbal communications are very insecure, for it is only necessary to deny them or to change their terms, in order to do away their effect at any time; those in writing have many and obvious

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advantages, and ought to be preferred, unless there be obstacles of which we are unapprised.

CIRCULAR TO THE FRENCH CONSULS J. MSS.

PHILADELPHIA, September 7, 1793.

SIR,—Finding by the protests of several of the consuls of France, by their advertisements in the public papers, and other proceedings, and by other sufficient testimony, that they claim, and are exercising, within the United States, a general admiralty jurisdiction, and in particular, assume to try the validity of prizes, and to give sentence thereon, as judges of admiralty; and moreover, that they are undertaking to give commissions within the United States, and to enlist, or encourage the enlistment of men, natives or inhabitants of these States, to commit hostilities on nations with whom the United States are at peace, in direct opposition to the laws of the land: I have it in charge, from the President of the United States, to give notice to all the consuls and vice consuls of France, in the United States, as I hereby do to you, that if any of them shall commit any of the acts before mentioned, or assume any jurisdiction not expressly given by the convention between France and the United States, the exequatur of the consul so transgressing will be immediately revoked, and his person be submitted to such prosecutions and punishments as the laws may prescribe for the case.

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TO JAMES MADISON MAD. MSS.

Sept. 8, 1793.

I have received and am charmed with No. V. I thought the introduction an useful lesson to others as I found it to myself, for I had really, by constantly hearing the sound, been led into a pretty free use of it myself. I struck out the passage you desired in the last page. I struck out also the words "and neutrality" in the following passage "taking the proclamation *in its proper sense* as reminding all concerned that as the U S were at peace, the laws of peace *and neutrality* were still obligatory," also a paragraph of 4. lines that a minister from France was hourly expected when the proclamation issued. There was one here at the time,—the other did not arrive in 6. weeks. To have waited that time should have given full course to the evil.

I went through Franklin with enchantment; & what peculiarly pleased me was that there was not a sentence from which it could be conjectured whether it came from N. S, E. or west. At last a whole page of Virginia flashed on me. It was in the section on the state of parties, and was an apology for the continuance of slavery among us. However this circumstance may be justly palliated, it had nothing to do with the state of parties, with the bank, encumbered a good cause with a questionable argument; many readers who would have gone heart & hand with the author so far would have flown off in a tangent from that paragraph. I struck it out. Justify this if you please to those concerned, and if it cannot be done, say so, & it may still be re-estab-

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lished. I mentioned to you in my last that a Fr. Consul at Boston had rescued a vessel out of the hands of a Marshal by military force. Genet has at New York forbidden a marshal to arrest a vessel, and given orders to the French squadron to protect her by force. Was there ever an instance before of a diplomatic man overawing & obstructing the course of the law in a country by an armed force? The yellow fever increases. The week before last about 3. a day died. This last week about 11. a day have died; consequently, from known data about 33. a day are taken, and there are about 330. patients under it. They are much scattered through the town, and it is the opinion of the physicians that there is no possibility of stopping it. They agree that it is a nondescript disease, and no two agree in any one part of their process of cure. The Presidt goes off the day after tomorrow, as he had always intended. Knox then takes flight. Hamilton is ill of the fever, as is said. He had two physicians out at his house the night before last. His family think him in danger, & he puts himself so by his excessive alarm. He had been miserable several days before from a firm persuasion he should catch it. A man as timid as he is on the water, as timid on horseback, as timid in sickness, would be a phænomenon if his courage of which he has the reputation in military occasions were genuine. His friends, who have not seen him, suspect it is only an autumnal fever he has. I would really go away, because I think there is rational danger, but that I had before announced that I should not go till the beginning of October, &

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I do not like to exhibit the appearance of panic. Besides that I think there might serious ills proceed from there being not a single member of the administration in place. Poor Hutcheson dined with me on Friday was sennight, was taken that night on his return home, & died the day before yesterday. It is difficult to say whether the republican interest has suffered more by his death or Genet's extravagance. I sometimes cannot help seriously believing the latter to be a Dumourier, endeavouring to draw us into the war against France as Dumourier, while a minister, drew on her the war of the empire.—The Indians have refused to meet our commissioners unless they would make the Ohio a boundary by preliminary condn. Consequently they are on their return & we may suppose Wayne in movement.—Since my last which was of the 1st your's of the 22d Aug. & 2d. Sep. are received. Adieu.

TO THE FRENCH MINISTER J. MSS.
(EDMOND CHARLES GENET)

PHILADELPHIA, September 9, 1793.

SIR,—In my letter of June 25th, on the subject of the ship *William*, and generally of vessels suggested to be taken within the limits of the protection of the United States, by the armed vessels of your nation, I undertook to assure you, it would be more agreeable to the President, that such vessels should be detained, under the orders of yourself, or the consuls of France, than by a military guard, until the Government of the United States should be able to

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inquire into and decide on the fact. In two separate letters, of the 29th of the same month, I had the honor to inform you of the claims, lodged with the Executive, for the same ship *William* and the brig *Fanny;* to enclose you the evidence on which they were founded, and to desire that, if you found it just, you would order the vessels to be delivered to the owners; or if overweighed, in your judgment, by any contradictory evidence which you might have or acquire, you would do me the favor to communicate that evidence, and that the consuls of France might retain the vessels in their custody, in the meantime, until the Executive of the United States should consider and decide finally on the subject.

When that mode of proceeding was consented to for your satisfaction, it was by no means imagined it would have occasioned such delays of justice to the individuals interested. The President is still without information, either that the vessels are restored, or that you have any evidence to offer as to the place of capture. I am, therefore, sir, to repeat the request of early information on the subject, in order, that, if any injury has been done those interested, it may be no longer aggravated by delay.

The intention of the letter of June 25th having been to permit such vessels to remain in the custody of the consuls, instead of that of a military guard, (which in the case of the ship *William*, appeared to have been disagreeable to you) the indulgence was of course, to be understood as going only to cases where the Executive might take or keep possession with a military guard, and not to interfere with the

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authority of the courts of justice, in any case wherein they should undertake to act. My letter of June 29th, accordingly, in the same case of the ship *William*, informed you, that no power in this country could take a vessel out of the custody of the courts, and that it was only because they decided not to take cognizance of that case, that it resulted to the Executive to interfere in it.

Consequently, this alone put it in their power to leave the vessel in the hands of the consul. The courts of justice exercise the sovereignty of this country, in judiciary matters, are supreme in these, and liable neither to control nor opposition from any other branch of the government. We learn, however, from the enclosed paper, that the consul of New York, in the first instance, and yourself in a subsequent one, forbade an officer of justice to serve the process with which he was charged from his court, on the British brig *William Tell*, taken by a French armed vessel, within a mile of our shores, as has been deposed on oath and brought into New York, and that you had even given orders to the French squadron there to protect the vessel against any person who should attempt to take her from their custody. If this opposition were founded, as is there suggested, on the indulgence of the letters before cited, it was extending that to a case not within their purview; and even had it been precisely the case to which they were to be applied, is it possible to imagine you might assert it, within the body of the country, by force of arms.

I forbear to make the observations which such a

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measure must suggest, and cannot but believe, that a moment's reflection will evince to you the depth of the error committed in this opposition to an officer of justice, and in the means proposed to be resorted to in support of it.

I am therefore charged to declare to you expressly, that the President expects and requires, that the officer of justice be not obstructed, in freely and peaceably serving the process of his court; and that, in the mean time, the vessel and her cargo be not suffered to depart, till the judiciary, if it will undertake it, or himself, if not, shall decide whether the seizure has been within the limits of our protection.

TO THE BRITISH MINISTER [1] J. MSS.

(GEORGE HAMMOND)

PHILADELPHIA September 9, 1793.

SIR,—I have the honor to acknowledge the receipt of your two memorials, of the fourth and sixth instant, which have been duly laid before the President of the United States.

You cannot be uninformed of the circumstances which have occasioned the French squadron, now in New York, to seek asylum in the ports of the United States. Driven from those where they were on duty, by the superiority of the adverse party, in the civil war which has so unhappily afflicted the

[1] A letter of the same tenor, but omitting the last paragraph, was sent to the Dutch Minister.

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colonies of France, filled with the wretched fugitives, from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received, and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never heard, and which we believe to be impossible, from the information received of their wants, and other impediments to active service. This case has been noted specially, to show that no inconvenience could have been produced to the trade of the other belligerent Powers, by the presence of this fleet in our harbors. I shall now proceed to more general ground.

France, England, and all other nations, have a right to cruise on our coasts—a right, not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by treaty with us, (as she has done also, by a treaty with Great Britain, in the event of a war with us, or any other nation,) two special rights: 1st. Admission for her prizes and privateers into our ports. This by the seventeenth and twenty-second articles, is secured to her exclusively of her enemies, as is done for her in the like case by Great Britain, were her present war with us, instead of Great Britain. 2d. Admission for her public vessels of war into our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c. This is not exclusive: as we are bound by treaty to receive the public armed vessels of

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France, and we are not bound to exclude those of her enemies, the Executive had never denied the same right of asylum in our ports, to the public armed vessels of your nation. They, as well as the French, are free to come into them, in all cases of weather, pirates, enemies, or other urgent necessity, and to refresh, victual, repair, &c. And so many are these urgent necessities, to vessels far from their own ports, that we have thought inquiries into the nature as well as the degree of their necessities which drove them hither, as endless as they would be fruitless; and, therefore, have not made them. And the rather because there is a third right, secured to neither by treaty, but due to both, on the principles of hospitality between friendly nations—that of coming into our ports, not *under the pressure of urgent necessity*, but whenever their comfort or convenience induced them. On this ground, also, the two nations are on a footing.

As it has never been conceived, that either would detain their ships of war in our ports, when they were in a condition for action, we have never conceived it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie idle in our ports from year's end to year's end, if they choose it. Thus, then the public ships of war of both nations enjoy a perfect equality in our ports: 1st. In cases of urgent necessity; 2d, in cases of comfort or convenience; and, 3d, in the time they choose to continue. And all a friendly Power can ask from another is, to extend to her the same indulgence which she extends

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to other friendly Powers. And though the admission of the prizes and privateers of France is exclusive, yet it is the effect of treaty, made long ago for valuable considerations, not with a view to the present circumstances, nor against any nation in particular, but all in general, and may, therefore, be faithfully observed, without offence to any; and we mean faithfully to observe it. The same exclusive article has been stipulated, as was before observed, by Great Britain, in her treaty with France; and, indeed, is to be found in the treaties between most nations.

With respect to the usurpation of admiralty jurisdiction by the consuls of France, within these States, the honor and right of the States themselves were sufficient motives for the Executive to take measures to prevent its continuance, as soon as they were apprized of it. They have been led, by particular considerations, to await the effect of these measures, believing they would be sufficient; but finding, at length, they were not, such others have been lately taken, as can no longer fail to suppress this irregularity completely.

The President is duly sensible of the character of the act of opposition made to the service of legal process on the brig *William Tell;* and he presumes, the representations made on that subject to the minister of France, will have the effect of opening a free access to the officer of justice, when he shall again present himself with the precept of his court.

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TO ST. GEORGE TUCKER J. MSS.

PHILADELPHIA, September 10, 1793.

DEAR SIR,—Your favor of June 14 came to hand some time ago, and nothing but a load of business has prevented my sooner acknoleging it. No person on earth heard with more sincere regret the tales which were the subject of it, nobody lamented more the torture thro' which their victim must have passed. For myself, when placed under the necessity of deciding in a case where on the one hand is a young and worthy person, all the circumstances of whose education and position in life pronounce her virtuous and innocent, and on the other the proneness of the world to sow and spread slander, there is no hesitation in my mind. I needed no evidence therefore on this question, and could at any time have conscientiously appeared as one of her compurgators,—what an ocean is life! And how our barks get separated in beating through it! One of the greatest comforts of the retirement to which I shall soon withdraw will be its rejoining me to my earliest and best friends, and acquaintance. I shall hope to be in your way in some of your tacks, and to be able to assure you personally of the sincere respect and esteem with which I am, dear sir, your friend and servant.

TO THE FRENCH MINISTER J. MSS.
(EDMOND CHARLES GENET)

PHILADELPHIA, September 12, 1793.

SIR,—I have the honor of your letter of the 6th inst. and can assure you with real truth of the readi-

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ness and zeal with which the Executive will concur in preventing, within the limits of the United States, any preparation of hostilities against France or her colonies, as far as this can be effected by the extension of that portion of the public power, with which they are invested by the laws. Your letter requests the arrest and delivery of Tanguy, Galbaud, Conscience, and Bonne, escaped from the ship *Jupiter*, and from the punishment of crime committed against the republic of France; and also that necessary measures be taken to prevent the carrying into execution certain plots formed by them and others against their country. These two requisitions stand on different ground. The laws of this country take no notice of crimes committed out of their jurisdiction. The most atrocious offender, coming within their pale, is received by them as an innocent man, and they have authorized no one to seize or deliver him. The evil of protecting malefactors of every dye is sensibly felt here, as in other countries; but until a reformation of the criminal codes of most nations, to deliver fugitives from them, would be to become their accomplices; the former therefore is viewed as the lesser evil. When the consular convention with France was under consideration, this subject was attended to; but we could agree to go no further than is done in the 9th article of that instrument, when we agree mutually to deliver up "captains, officers, mariners, sailors, and all other persons being part of the crews of vessels" &c. Unless, therefore, the persons before named be part of the crew of some vessel of the French nation, no person

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in this country is authorized to deliver them up; but, on the contrary, they are under the protection of the laws. If they are part of the crew of a vessel, they are to be delivered up; but then it happens that the district judge of each State is, by the law of Congress, made the competent person to execute this article of the convention, and consequently each within his own State, and no one over all the States; so that as criminals they cannot be given up, and if they be of the crew of a vessel, the act of Congress has not given authority to any one officer to send his process through all the States of the Union. The other branch of your request is more completely provided for by the laws, which authorize coercions as to expeditions formed in the territory of the United States against nations with whom they are at peace. If, therefore, you will be pleased to give me such information as to persons and places as may indicate to what points the vigilance of the officers is to be directed, proper measures will be immediately taken for preventing every attempt to make any hostile expedition from these States against any of the dominions of France. The stronger the proofs you can produce and the more pointed as to persons, the stronger will be the means of coercion which the laws will allow to be used.

I have not yet laid this matter before the President, who is absent from the seat of government; but to save delay, which might be injurious, I have taken the liberty, as the case is plain, to give you this *provisory* answer. I shall immediately communicate it to the President, and if he shall direct

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anything in addition or alteration, it shall be the subject of another letter. In the mean time, I may venture to let this be considered as a ground for your proceeding.

TO JOHN ROSS[1] J. MSS.

SCHUYLKILL, September 13, 1793.

DEAR SIR,—As all the world is flying, I think to fly too in two or three days, but I am *money-bound*. I shall have 215. dollars free out of moneys to be received for me at the Treasury between two and three weeks hence. But, to pay some matters to people in want, and to carry me home also I have occasion for 100. Doll. more. Having never had any money connection at Philadelphia, I take the liberty of applying to you rather than to any other person, to enable me to receive immediately the amount of the enclosed order on mr. Bankson (one of my clerks who is to receive the money at the treasury for me) and of my own note for 100. D. which I cannot get by discount from the bank till Wednesday next, and my wish is to go on Sunday or Monday. I expect to be absent 7. weeks, but for fear any accident might delay me a few days, I have left the date of my note blank to be filled on the day it shall be lodged in the bank, that I may be the less hurried by this circumstance in my return. I will assuredly see that it be taken up in time. If you can, for this paper, furnish me a check on the bank or its amount otherwise, you will enable my wheels to get into motion, which otherwise stand

[1] Cashier of the United States Bank.

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still. I have the honor to be with great esteem and respect dear sir your most obedient servant.

TO THE PRESIDENT OF THE UNITED STATES J. MSS.

SCHUYLKILL, September 15, 1793.

DEAR SIR,—I have duly received your 2. favors from Chester and Elkton, and have now the honor to enclose you an address from the town and vicinity of Petersburg, which in a letter from mr. Peachey I was desired to deliver you.

I also enclose you a letter from mr. Genet on the subject of Galbaud, and his conspiracies, with my answer sent to him. My hurry of business has prevented my translating the former, but if it cannot be done in your family, I shall be in time to do it myself.

I enclose also mr. Hammond's reply to my letter of ye 9th. mr. Pinckney's letter of July 5. mr. Hammond's letter of Sep. 12. communicating the English instructions for the seizure of corn, and the answer I propose to send him if approved by you. I expect also to receive from the office a blank commission for the collector of Annapolis in time to enclose it herein.

Having found on my going to town, the day you left it, that I had but one clerk left, and that business could not be carried on, I determined to set out for Virginia as soon as I could clear my own letter files. I have now got through it so as to leave not a single letter unanswered, or anything undone, which

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is in a state to be done, and expect to set out tomorrow or next day. I shall hope to be at Mount Vernon on the 5th day to take your orders. The fever here is still diffusing itself, it is not quite as fatal. Colo. Hamilton and mrs. Hamilton are recovered. The consul Dupont is dead of it. So is Wright. The consul Hauterive has sent me an answer to my circular letter, as proud as could have been expected, and not very like a desisting from the acts forbidden. As I shall probably be with you as soon as this letter, I shall add nothing further than assurances of the high respect and esteem with which I have the honor to be sincerely dear sir your most obedient and humble servant.

TO THE FRENCH MINISTER (EDMOND CHARLES GENET) J. MSS.

[September 15, 1793.]

SIR,—The correspondence which has taken place between the Executive and yourself, & the acts which you have thought proper to do, & to countenance, in opposition to the laws of the land, have rendered it necessary in the opinion of the President to lay a faithful statement of them before the government of France, to explain to them the reasons & the necessity which have dictated our measures, to renew the assurances of that sincere friendship which has suffered no intermission during the course of these proceedings, and to express our extreme anxiety that none may be produced on their part. This has accordingly been directed to be done by the Min. Pleny. of the U S at Paris, in a letter a copy

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of which I now enclose to you; and, in order to bring to an end what cannot be permitted to continue, there could be no hesitation to declare in it the necessity of their having a representative here disposed to respect the laws and authorities of the country, & to do the best for their interest which these would permit. An anxious regard for those interests, and a desire that they may not suffer, will induce the executive in the meantime to receive your communications in writing, & to admit the continuance of your functions so long as they shall be restrained within the limits of the law as heretofore announced to you, or shall be of the tenor usually observed towards independent nations by the representative of a friendly power residing with them.

The President thought it respectful to your nation as well as yourself to leave to yourself the restraining certain proceedings of the Consuls of France within the U S, which you were informed were contrary to the laws of the land, & therefore not to be permitted. He has seen with regret however that you have been far from restraining these proceedings, & that the duty has devolved on him of suppressing them by the authority of the country. I enclose to you the copy of a letter written to the several Consuls & Vice-consuls of France, warning them that this will be done if any repetition of these acts shall render it necessary. To the Consul of France at Boston, no such letter has been written. A more serious fact is charged on him, which if proved as there is reason to expect, will render the revocation of his Exequatur an act of immediate duty.

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TO JAMES MADISON J. MSS.

SCHUYLKILL, Sep. 15.

I have to acknolege yours of Aug. 27. & Sep. 2. The fever in town is become less mortal, but extends. Dupont the Fr. Consul is dead of it. So is Wright the painter. His wife also. Lieper is said to be dead, but that is not certain. J. Barclay ill. Ham. and his wife recovered. Willing on the recovery. The banks are not shut up, as I had been falsely informed when I wrote you last. I have some expectation to set out tomorrow, and shall make it eight days to your house; but it is very possible I may yet be detained here two or three days. The arrangement on which I had consented to remain another quarter was that the President was to be absent three weeks, and after that I was to be absent 6. weeks. This got me rid of 9. weeks of the 13. and the remaining 4. Congress would be setting. My view in this was precisely to avoid being at any more councils as much as possible, that I might not be committed in anything further. This fever by driving me off sooner, will bring me back sooner, & so far counteract my view.—But I need not take the trouble of writing on this subject, as I shall see you as early as you will get this letter. Adieu.

TO THE BRITISH MINISTER J. MSS.

(GEORGE HAMMOND)

September 22, 1793.

SIR,—I have yet to acknowledge the receipt of your favor of the 12th instant, covering an additional instruction to the commanders of British armed

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vessels, and explaining its principles; and I receive it readily as a proof of your willingness to anticipate our inquiries on subjects interesting to us. Certainly none was ever more so than the instruction in question, as it strikes at the root of our agriculture, and at the means of obtaining for our citizens in general, the numerous articles of necessity and comfort which they do not make for themselves, but have hitherto procured from other nations by exchange. The paper has been before communicated to the President, but instructions immediately sent to our minister at London, to make proper representations on the subject, in the effect of which we have all that confidence which the justice of the British Government is calculated to inspire. That "all provisions are to be considered as contraband in the case where the depriving an enemy of these supplies is one of the means *intended to be employed*," or in any case but that of a place *actually blockaded*, is a position entirely new. However, the discussion having been transferred to another place, I forbear to enter into it here.

We had conjectured, but did not before entirely know, that the distinction which the instruction makes between Denmark and Sweden on the one hand, and the United States on the other, in the case of vessels bound to ports blockaded, was on the principle explained by you, that what was yielded to those countries by treaty, it is not unfriendly to refuse to us, *because not yielded to us by treaty*. I shall not contest the right of the principle, as a right to its reciprocity necessarily results to us.

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A STATEMENT[1] J. MSS.

[Oct. 1793.]

A Question whether Mr. G. has threat^d to appeal from the Pr. to the people of the US. has excited considble. attention ~~from the public~~ has been thot worthy of call^g forth the evidence of the highest officers of the govmt. ~~to bear testimony to it~~, & to justify the disclosure of the ~~secret~~ private consultations of the Exve. The performce. of an official duty ~~having implicated me in the transaction, I have made me necessarily made me a party in the operation~~ having connected me with the matter in question I have been vouched in affirmation of the charge. It is with much regret that I enter for anything in so disagreeable an altercn. but consider^g it's present ground, silence on my part might beget surmises which would not be just. I had conversons. on the Sunday the 7th of July with Mr. Genet and Mr. Dallas as has been stated in the public papers. I had a private consultn with the Secr^y of the Treasury & was on the ~~next~~ Monday to decide what sh^d be done in the event of the L. S's attempting to depart and it was then I made my communication to them. The Pr. ret^d on the Wednesday, & on that day I committed the same communications to writing in a Report to him ~~a full detail of what has passed~~. I did this when the transactions were fully in my mind, & particular ~~circumstances of the moment~~ conversations led me to detail with more minuteness than usual every circumstance which I ~~could recol-~~

[1] Evidently prepared for the press, but never used. It refers to the paper printed in vol. i., p. 282.

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~~lect~~ thought worthy ~~any the least~~ notice. ~~I did this when it was impossible to~~ I could not ~~foresee~~ then foresee ~~that~~ the ~~question~~ altercation which has now arisen ~~to~~ nor consequently give to the statem^t any ~~hue which might reflect on that, and under no other view than that of~~ aspect respecting it. My only object was to ~~give~~ing to the Pr. a circumstantial & faithful relation of what he had a right to know. And I did it with ~~with~~ a sacred regard to truth. I have since heard the same ~~transactions~~ matters spoken of on different occn. & by different persons, ~~that my memory I c^d not trust to my~~ insomuch that I should fear to attempt from memory alone ~~for~~ to distinguish at this time what I have heard from one ~~person & on what occasion~~ & what from another, what on one occn. or what on another. I think it therefore safest to give the whole ~~statement~~, report, without ~~attempting of a~~ the suppression of a tittle of it. ~~There are~~. As it contains many things ~~in it~~ which relate not at all to the present question, ~~& some which it will be obvious it might be imagined that to be made public. Had these been omitted~~ Were these however now omitted ~~it m^t have been thought that tho' the parts given forth were in the very words of the report & consequently not stated with a view to the present case, yet that it has~~ it might be imagined that ~~their suppression~~ the aspect of what would remain might be sensibly affected by it. ~~been~~. I chuse then to throw my self on the indulgencies of those who may need it, rather than to incur their suspicions, and therefore give a verbal copy of the whole report as follows.

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TO THE PRESIDENT OF THE UNITED STATES

D. S. MSS.

MONTICELLO Oct. 3. 1793.

DEAR SIR,—I have the honor to inclose herewith the following papers:

1. A Note from Mr. Coxe which covered a letter from Nassau.
2. A letter from George Nicholas which covered his commission, returned.
3. A letter from Mr. Gore, relating to Mr. Duplaine, & the communications between him & Govr Hancock, which I asked at the desire of the Secretary at war, & which are for him.
4. A letter from Mr. Genet of Sep. 14. which, being merely an answer to one of mine, requires no reply.
5. A letter from Mr. Genet of Sep. 13.

This is an answer to the written and verbal applications made to him on the subject of the *William* & the *Fanny*. After being in his hands between two & three months, the Consul at Philadelphia is still too busy to furnish the information I had desired. He is since dead, which of course furnishes a new excuse for delay. This indicates clearly enough that Mr. Genet does not mean to deliver them up. However he adds that the information would be useless until we settle what is to be deemed the extent of *the limits of our protection*. As this has never yet been decided, I am not able to answer him until you shall be pleased to determine what shall be proposed on that subject. I think myself that these limits

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are of great consequence, & would not hesitate the sacrifice of money to obtain them large. I would say, for instance, to Great Britain, "we will pay you for such of these vessels as you chuse; only requiring in return that the distance of their capture from shore shall, as between us, be ever considered as within our limits: now say for yourself, which of these vessels you will accept payment for." With France it might not be so easy to purchase distance by pecuniary sacrifices: but if by giving up all further reclamation of the vessels in their hands, they could be led to fix the same limits (say 3. leagues) I should think it an advantageous purchase, besides ridding us of an article of account which they may dispute. I doubt on the whole whether any thing further can be effectually done on this subject until your return to the seat of government, or to the place where you will fix for the time.

Mr. Genet's answer with respect to his opposing the service of process on a vessel is singularly equivocal. I rather conjecture he means to withdraw the opposition, and I am in hopes my letter to Mr. Hammond will have produced another effort by the Marshal which will have succeeded. Should this not be the case, if military constraint cannot be used without endangering military opposition, this vessel also may become a subject of indemnification.

Mr. Bankson writes me word that Genl. Moylan's residence being off the Post road, he had been obliged to send an express to him, which was not yet returned. Besides the duplicate dispatches for

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Gouvern[r] Morris, I had left in his hands letters for all our foreign Ministers & Consuls. He writes me that the Communications with Philadelphia had been so much intercepted that he had not yet obtained conveyances.

The death of Wright will require a new nomination of an engraver. If it be left to Mr. Rittenhouse, I think he would prefer Scott.

Just before I left Philada. I received from Mr. Genet a claim of exemption from tonnage for their vessels which quitted the Cape in distress & made the first ports in the U. S. & particularly as to those which came to Baltimore, the tonnage of which amounted to a large sum. As you were come away, I thought it would shorten the business to send his claim in a letter addressed to the Secretary of the Treasury, but (as he was sick) under cover to Mr. Wolcott, in hopes they would make a report thereon to you for your consideration. The necessity of these abridgments of formalities in our present distant situations requires that I should particularly suggest to you the expediency of desiring Genl. Knox to communicate to the foreign ministers *himself directly* any matters relative to the interpositions of his department through the governors. For him to send these to me from Boston to this place merely that I may send them back to the ministers at Philadelphia or New York, might be an injurious delay of business.

I shall hope to have the honor of a line from you whenever you shall have fixed on the time and place at which you shall decide to reassemble us.

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TO THE PRESIDENT OF THE UNITED STATES J. MSS.

MONTICELLO Oct. 17. 1793.

DEAR SIR,—I was the day before yesterday honored with your favor of the 7th inst. by post and yesterday I received that of the 11th by express from Colo. Carrington. I will take care to be at Germantown by the 1st of the month. As the ploughing thro the roads of the month of January would be disagreeable with my own horses, I shall send them back from Fredericksburg, for which place I will set out to-morrow (Friday) sennight, in order to take the stage from thence of Monday the 28th. This of course will deprive me of the honor of waiting on you at Mount Vernon, but perhaps I may have that of seeing you on the road.

I have carefully considered the question Whether the President may call Congress to any other place than that to which they have adjourned themselves, and think he cannot have such a right unless it has been given him by the constitution or the laws, & that neither of these has given it. The only circumstance which he can alter, as to their meeting, is that of *time* by calling them at an *earlier day* than that to which they stand adjourned, but no power to change the place is given. Mr. Madison happened to come here yesterday after the receipt of your letter. I proposed the question to him, and he thinks there was particular caution intended & used in the diction of the Constitution to avoid giving the President any power over the place of meeting; lest he should exercise it with local partialities.

With respect to the Executive, the Residence law

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has fixed our offices at Philadelphia till the year 1800, & therefore it seems necessary that we should get as near them as we may with safety.

As to the place of meeting for the legislature, were we authorized to decide that question I should think it right to have it in some place in Pensylvania, in consideration of the principles of the Residence bill, & that we might furnish no pretext to that state to infringe them hereafter. I am quite unacquainted with Reading, & it's means of accommodation. It's situation is perhaps as little objectionable as that of Lancaster, & less so than Trenton or perhaps Wilmington. However I think we have nothing to do with the question, & that Congress must meet in Philadelphia even if it be in the open fields, to adjourn themselves to some other place.—I am extremely afraid something has happened to mr. Bankson, on whom I relied for continuance at my office. For two posts past I have not received any letter from him, nor dispatches of any kind. This involves new fears for the duplicates of those to mr. Morris. I have the honor &c.

P.S. Mr. Randolph's, and mr. Trumbul's letters are returned.

TO THOMAS MANN RANDOLPH J. MSS.

GERMANTOWN, Nov. 2. 93.

After having experienced on my journey the extremes of heat, cold, dust & rain, I arrived here yesterday. I found at Baltimore that the stages run no further North, and being from that circumstance

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thrown into the hands of the harpies who prey upon travellers, was pretty well fleeced to get here. I think from Fredericksburg here with a single servant cost me upwards of seventy dollars. Before this change in the weather the fever had very much abated in Philadelphia, & at this time it has almost entirely disappeared, in so much that the inhabitants are very many of them returning into the city. This is very necessary for our accommodation here, as this place is so full that I have been able to obtain a bed in a corner of the public room of a tavern only, and that as a great favor, the other alternative being to sleep on the floor in my cloak before the fire. In this state I am awaiting till some of the Philadelphians may take courage to go into the city, and make a vacancy here. Nothing will be done by the President as to the meeting of Congress. It is imagined that knowing he is here, they will rendezvous here, and after settling informally to what place they will remove, they will go into the fields of the city and pass a regular vote. The pure blacks have been found insusceptible of the infection. The mixed blood has taken it. What is more singular is that tho hundreds have been taken with the disease out of Philadelphia, have died of it after being well attended, yet not a single instance has occurred of anybody's *catching* it *out of Philadelphia*. The question for the session of Congress will lie between Philadelphia, New York & Lancaster.—Freneau's paper is discontinued. I fear it is the want of money. He promises to resume it before the meeting of Congress. I wish the subscribers in our neighborhood

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would send on their money. My love to my dear daughters & am with sincere esteem Dear Sir Yours affectionately.

P.S. Mr. Hollingsworth at the head of Elk thinks he can immediately send me on a good overseer in the place of Rogers. I authorized him to allow exactly the same as to Biddle. Consequently on his arrival I must get you to give him orders on Watson & Colo. Bell for the same necessaries which I had furnished to Biddle.

TO JAMES MADISON MAD. MSS.

GERMANTOWN, Nov. 2, 1793.

I overtook the President at Baltimore, & we arrived here yesterday, myself fleeced of seventy odd dollars to get from Fredericksburg here, the stages running no further than Baltimore. I mention this to put yourself & Monroe on your guard. The fever in Phila. has so much abated as to have almost disappeared. The inhabitants are about returning. It has been determined that the President shall not interfere with the meeting of Congress. R. H. & K. were of opinion he had a right to call them to any place but that the occasion did not call for it. I think the President inclined to the opinion. I proposed a proclmn. notifying that the Executive business would be done here till further notice, which I believe will be agreed. H. R. Lewis, Rawle &c., all concur in the necessity that Congress should meet in Phila., & vote there their own adjournment, if it shall

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then be necessary to change the place. The question will be between N Y & Lancaster. The Pensylva. members are very anxious for the latter, & will attend punctually to support it, as well as to support Muhlenburg, & oppose the appointment of Smith (S. C.) speaker, which is intended by the Northern members. According to present appearances this place cannot lodge a single person more. As a great favor I have got a bed in the corner of the public room of a tavern: and must continue till some of the Philadelphians make a vacancy by removing into the city. Then we must give him from 4. to 6. or 8. dollars a week for cuddies without a bed, and sometimes without a chair or table. There is not a single lodging house in the place. Ross & Willing are alive. Hancock is dead. Johnson of Maryld has *refused.*[1] Ru. L. and Mcl.[2] in contemplation. The last least.—You will have seen Genet's letters to Moultrie & to myself. Of the last I know nothing but from the public papers; and he published Moultrie's letter & his answer the moment he wrote it. You will see that his inveteracy against the President leads him to meditate the embroiling him with Congress. They say he is going to be married to a daughter of Clinton's. If so, he is afraid to return to France. Hamilton is ill, & suspicious he has taken the fever again by returning to his house. He of course could not attend here to-day. But the Pr had showed me his letter on the right of calling Congress to another place. Adieu.

[1] For Secretary of State.

[2] Ru[tledge], L[ivingston], and McL[urg].

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TO THE FRENCH MINISTER J. MSS.
(EDMOND CHARLES GENET)

GERMANTOWN, November 8, 1793.

SIR,—I have now to acknowledge and answer your letter of September 13, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing that Governments and jurisconsults have different views on this subject.

It is certain that, heretofore, they have been much divided in opinion as to the distance from their sea coasts, to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance, to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of twenty miles, and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at one sea league. Some intermediate distances have also been insisted on, and that of three sea-leagues has some authority in its favour. The character of our coasts, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation, as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the Powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers, acting under this authority, to consider those heretofore

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given them as restrained for the present to the distance of one sea-league, or three geographical miles from the sea-shore. This distance can admit of no opposition as it is recognized by treaties between some of the Powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are, moreover, as being landlocked, within the body of the United States.

Examining by this rule, the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence, that the capture was made four or five miles from the land, and consequently without the line provisionally adopted by the President as before mentioned.[1]

[1] In Jefferson's draft of this letter is found at the end a paragraph queried and struck out, as follows:

"With respect to the British ship *William* taken on the 3d of May last, the testimony as to the place of seizure varies from 2 to 5, miles from the sea shore. The information of a certain Peter Dalton stated in the paper inclosed in your letter of Oct. 19. extends the distance from 14. to 16. miles. But his evidence not having been given before a magistrate legally qualified to place him under the solemnity of an oath & bound to cross examine him, I am to desire that his evidence, if it is to be insisted on may be taken in legal form, and forwarded for the consideration of the President."

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TO THE BRITISH MINISTER (GEORGE HAMMOND) MS.

GERMANTOWN Nov. 8. 1793.

SIR,—The President of the United States thinking that before it shall be finally decided to what distance from our sea shores the territorial protection of the United States shall be exercised, it will be proper to enter into friendly conferences & explanations with the powers chiefly interested in the navigation of the seas on our coast, and relying that convenient occasions may be taken for these hereafter, finds it necessary in the mean time, to fix provisionally on some distance for the present government of these questions. You are sensible that very different opinions & claims have been heretofore advanced on this subject. The greatest distance to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of 20. miles, and the smallest distance I believe, claimed by any nation whatever is the utmost range of a cannon ball, usually stated at one sea-league. Some intermediate distances have also been insisted on, and that of three sea leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us in reason to as broad a margin of protected navigation as any nation whatever. Reserving however the ultimate extent of this for future deliberation the President gives instructions to the officers acting under his authority to consider those heretofore given them as restrained

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for the present to the distance of one sea-league or three geographical miles from the sea shore. This distance can admit of no opposition as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts. For the jurisdiction of the rivers and bays of the United States the laws of the several states are understood to have made provision, and they are moreover as being landlocked, within the body of the United States.

Examining by this rule the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence that the capture was made four or five miles from the land, and consequently without the line provisionally adopted by the President as before mentioned.[1]

TO MARTHA JEFFERSON RANDOLPH J. MSS.

GERMANTOWN Nov. 10. 1793

I wrote, my dear Martha, by last week's post to mr. Randolph. Yesterday I received his of Oct. 31. The fever in Philadelphia has almost entirely disappeared. The Physicians say they have no new infections since the great rains which have fallen. Some previous ones are still to die or recover, and so close this tragedy. I think however the Executive will

[1] An identical letter, omitting the last paragraph, was sent to Van Berckel and Viar & Jaudenes. On the draft, Jefferson has written: "These two drafts were shown to the Atty Genl. & approved without alterations. The fair copies were shown to Colo. Hamilton & Genl. Knox before dinner at Bocken's inn, Germantown & approved."

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remain here till the meeting of Congress, merely to furnish a rallying point to them. The refugee inhabitants are very generally returning into the city. Mr. T. Shippen & his lady are here. He is very slowly getting better. Still confined to the house. She well & very burly. I told her of her sister's pretentions to the fever & ague at Blenheim. She complained of receiving no letter. Tell this to Mrs. Carter, making it the subject of a visit express, which will be an act of good neighbourhood.—The affairs of France are at present gloomy. Toulon has surrendered to England & Spain. So has Grandanse and the country round about in St. Domingo. The English however have received a check before Dunkirk, probably a smart one, tho' the particulars are not yet certainly known. I send Freneau's papers. He has discontinued them, but promises to resume again. I fear this cannot be till he has collected his arrearages. My best regards to mr. Randolph. Accept my warmest love for yourself & Maria, compliments to Miss Jane, kisses to the children, friendly affections to all. Adieu.

TO THE BRITISH MINISTER J. MSS.

(GEORGE HAMMOND)

GERMANTOWN, November 14th, 1793.

SIR,—I have to acknowledge the receipt of your letter of the 7th instant, on the subject of the British ship *Roehampton*, taken and sent into Baltimore by the French privateer the *Industry*, an armed schooner

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of St. Domingo, which is suggested to have augmented her force at Baltimore before the capture. On this circumstance a demand is grounded that the prize she has made shall be restored.

Before I proceed to the matters of fact in this case, I will take the liberty of calling your attention to the rules which are to govern it. These are, I. That restitution of prizes has been made by the Executive of the United States only in the two cases, 1, of capture within their jurisdiction, by armed vessels, originally constituted such without the limits of the United States; or 2d, of capture, either within or without their jurisdiction, by armed vessels, originally constituted such within the limits of the United States, which last have been called proscribed vessels.

II. That all *military equipments* within the ports of the United States are forbidden to the vessels of the belligerent powers, even where they have been constituted vessels of war before their arrival in our ports; and where such equipments have been made before detection, they are ordered to be suppressed when detected, and the vessel reduced to her original condition. But if they escape detection altogether, depart and make prizes, the Executive has not undertaken to restore the prizes.

With due care, it can scarcely happen that military equipments of any magnitude shall escape discovery. Those which are small may sometimes, perhaps, escape, but to pursue these so far as to decide that the smallest circumstance of military equipment to a vessel in our ports shall invalidate her prizes through all time, would be a measure of incalcuable

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consequences. And since our interference must be governed by some general rule, and between great and small equipments no practicable line of distinction can be drawn, it will be attended with less evil on the whole to rely on the efficacy of the means of prevention, that they will reach with certainty equipments of any magnitude, and the great mass of those of smaller importance also; and if some should in the event, escape all our vigilance, to consider these as of the number of cases which will at times baffle the restraints of the wisest and best-guarded rules which human foresight can devise. And I think we may safely rely that since the regulations which got into a course of execution about the middle of August last, it is scarcely possible that equipments of any importance should escape discovery.

These principles shewing that no demand of restitution holds on the ground of a mere military alteration or an augmentation of force, I will consider your letter only as a complaint that the orders of the President prohibiting these, have not had their effect in the case of the *Industry*, and enquire whether if this be so, it has happened either from neglect or connivance in those charged with the execution of these orders. For this we must resort to facts which shall be taken from the evidence furnished by yourself and the British vice-consul at Baltimore, and from that which shall accompany this letter.

About the beginning of August the *Industry* is said to have arrived at Baltimore with the French fleet from St. Domingo; the particular state of her armament on her arrival is lately questioned, but it is not

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questioned that she was an armed vessel of some degree. The Executive having received an intimation that two vessels were equipping themselves at Baltimore for a cruise, a letter was on the 6th of Augt addressed by the Secretary of War to the Governor of Maryland, desiring an inquiry into the fact. In his absence the Executive Council of Maryland charged one of their own body, the honorable Mr. Killy, with the inquiry. He proceeded to Baltimore, and after two days' examination found no vessel answering the description of that which was the object of his inquiry. He then engaged the British vice-consul in the search, who was not able, any more than himself, to discover any such vessels. Captain Killy, however, observing a schooner, which appeared to have been making some equipments for a cruise, to have added to her guns, and made some alteration in her waist, thought these circumstances merited examination, though the rules of August had not yet appeared. Finding that his inquiries excited suspicion, and fearing the vessel might be withdrawn, he had her seized, and proceeded in investigation. He found that she was the schooner *Industry*, Captain Carver, from St. Domingo: that she had been an armed vessel for three years before her coming here, and as late as April last had mounted 16 guns; that she now mounted only 12, and he could not learn that she had procured any of these, or done anything else, essential to her as a privateer, at Baltimore. He therefore discharged her, and on the 23d of August the Executive Council made the report to the Secretary of war, of which I

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enclose you a copy. About a fortnight after this (Sep. 6) you added to a letter on other business a short paragraph, saying that you had "lately received information that a vessel named the *Industry* had, within the last 5 or 6 weeks, been armed, manned and equipped in the port of Baltimore." The proceedings before mentioned having been in another department, were not then known to me. I therefore could only communicate this paragraph to the proper department. The separation of the Executive within a few weeks after, prevented any explanations on this subject, and without them it was not in my power to either controvert or admit the information you had received. Under these circumstances I think you must be sensible, Sir, that your conclusion from my silence, that I regarded the fact as proved, was not a very necessary one.

New inquiries at that time could not have prevented the departure of the privateer, or the capture of the *Roehampton;* for the privateer had then been out some time. The *Roehampton* was already taken, and was arriving at Baltimore, which she did about the day of the date of your letter. After her arrival, new witnesses had come forward to prove that the *Industry* had made some military equipments at Baltimore before her cruise. The affidavits taken by the British vice-consul, are dated about 9 or 10 days after the date of your letter and arrival of the *Roehampton*, and we have only to lament that those witnesses had not given their information to the vice-consul when Mr. Killy engaged his aid in the enquiries he was making, and when it would have

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had the effect of our detaining the privateer till she should have reduced herself to the condition in which she was when she arrived in our ports, if she had really added anything to her then force. But supposing the testimony just and full (tho taken *ex parte*, and not under the legal sanction of an oath,) yet the Governor's refusal to restore the prize was perfectly proper, for, as has been before observed, restitution has never been made by the Executive, nor can be made on a mere clandestine alteration or augmentation of military equipments, which was all that the new testimony tended to prove.

Notwithstanding, however, that the President thought the information obtained on the former occasion had cleared this privateer from any well-grounded cause of arrest, yet that which you have now offered opens the possibility that the former was defective. He has therefore desired new inquiry to be made before a magistrate legally authorized to administer an oath, and indifferent to both parties; and should the result be that the vessel did really make any military equipments in our ports, instructions will be given to reduce her to her original condition, whenever she shall again come into our ports.

On the whole, Sir, I hope you will perceive that on the first intimation thro their own channel, and without waiting for information on your part, that a vessel was making military equipments at Baltimore, the Executive took the best measures for inquiring into the fact, in order to prevent or suppress such equipments; that an officer of high respectability was charged with the inquiry, and that he made it

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with great diligence himself, and engaged similar inquiries on the part of your vice-consul; that neither of them could find that the privateer had made such equipments, or, of course, that there was any ground for reducing or detaining her; that at the date of your letter of Sep. 6, (the first intimation received from you,) the privateer was departed, had taken her prize, and that prize was arriving in port; that the new evidence taken 10 days after that arrival can produce no other effect than the institution of a new inquiry, and a reduction of the force of the privateer, should she appear to have made any military alterations or augmentation, on her return into our ports, and that in no part of this proceeding is there the smallest ground for imputing either negligence or connivance to any of the officers who have acted in it.

TO ELI WHITNEY J. MSS.

GERMANTOWN, Nov. 16. 1793.

SIR,—Your favor of Oct. 15. inclosing a drawing of your cotton gin, was received on the 6th inst. The only requisite of the law now uncomplied with is the forwarding a model, which being received your patent may be made out & delivered to your order immediately.

As the state of Virginia, of which I am, carries on household manufactures of cotton to a great extent, as I also do myself, and one of our great embarrassments is the clearing the cotton of the seed, I feel a considerable interest in the success of your

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invention, for family use. Permit me therefore to ask information from you on these points. Has the machine been thoroughly tried in the ginning of cotton, or is it as yet but a machine of theory? What quantity of cotton has it cleaned on an average of several days, & worked by hand, & by how many hands? What will be the cost of one of them made to be worked by hand? Favorable answers to these questions would induce me to engage one of them to be forwarded to Richmond for me. Wishing to hear from you on the subject I am &c.

P.S. Is this the machine advertised the last year by Pearce at the Patterson manufactory?

TO JOHN KEAN [1]

GERMANTOWN, Nov. 16, 1793.

Th. Jefferson presents his compliments to mr. Kean & congratulates him sincerely on his and mrs. Kean's having escaped the dangers of the season.

Thinking it possible that the members of Congress (retaining the horrors of the yellow fever which prevail at a distance) may remove to Lancaster, & on so short notice as to prevent Th. J. from settling his affairs in Philadelphia, he thinks it best to do that while he has time, & for that purpose it would be convenient for him to command his salary of the present quarter. He therefore begs the favor of mr. Kean to put the note which accompanies this into

[1] An officer in the Bank of the United States. From the original in the possession of the editor.

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the proper channel for discount; and if he will be so kind when it is decided on, as to send a line of information for Th. J. to his office on Market street he will be much obliged to him.

Will the form of this note render an order from mr. Taylor requisite to authorise Th. J. to receive the money?

TO JAMES MADISON MAD. MSS.

GERMANTOWN, Nov. 17, 1793.

DEAR SIR,—I have got good lodgings for Monroe & yourself, that is to say, a good room with a fireplace & two beds, in a pleasant & convenient position, with a quiet family. They will breakfast you, but you must mess in a tavern; there is a good one across the street. This is the way in which all must do, and all I think will not be able to get even half beds. The President will remain here I believe till the meeting of Congress, merely to form a point of union for them before they can have acquired information & courage. For at present there does not exist a single subject in the disorder, no new infection having taken place since the great rains the 1st of the month, & those before infected being dead or recovered. There is no doubt you will sit in Philadelphia, & therefore I have not given Monroe's letter to Sechel. I do not write to him, because I know not whether he is at present moving by sea or by land, & if by the latter, I presume you can communicate to him.—Wayne has had a convoy of 22. wagons of provisions, and 70. men cut off 15. miles in his

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rear by the Indians. 6. of the men were found on the spot scalped, the rest supposed taken. He had nearly reached Fort Hamilton. R. has given notice that he means to resign. Genet by more & more denials of powers to the President and ascribing them to Congress, is evidently endeavoring to sow tares between them, & at any event to curry favor with the latter to whom he means to turn his appeal, finding it was not likely to be well received with the people. Accept both of you my sincere affection.

TO THE FRENCH MINISTER (EDMOND CHARLES GENET) J. MSS.

GERMANTOWN, November 22, 1793.

SIR,—In my letter of October 2, I took the liberty of noticing to you, that the commission of consul to M. Dannery ought to have been addressed to the President of the United States. He being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation; and whatever he communicates as such, they have a right, and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it, to interpose between him and any other branch of Government, under the pretext of either's transgressing their functions, nor to make himself the umpire and final judge between them. I am, therefore, sir, not authorized to enter into any discussions with you on the meaning of our constitution in any part of it, or

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to prove to you, that it has ascribed to him alone the admission or interdiction of foreign agents. I inform you of the fact by authority from the President. I had observed to you that we were persuaded, that, in the case of the consul Dannery, the error in the address had proceeded from no intention in the Executive Council of France to question the functions of the President, and therefore no difficulty was made in issuing the commission. We are still under the same persuasion. But in your letter of the 14th instant, you *personally* question the authority of the President, and, in consequence of that, have not addressed to him the commissions of Messrs. Pennevert and Chervi, making a point of this formality on your part; it becomes necessary to make a point of it on ours also; and I am therefore charged to return you those commissions, and to inform you that, bound to enforce respect to the order of things established by our constitution, the President will issue no exequatur to any consul or vice consul, not directed to him in the usual form, after the party from whom it comes, has been apprized that such should be the address.

CABINET DECISIONS W. MSS.

[Nov. 23. 1793.]

At sundry meetings of the heads of departments & Attorney General from the 1st to the 21st of Nov. 1793. at the President's several matters were agreed upon as stated in the following letters from the Secretary of State. to wit.

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Nov. 8. Circular letter to the representatives of France, Gr. Brit. Spain & the U. Netherlands, fixing provisorily the extent of our jurisdiction into the sea at a sea-league.

10. Circular dº to the district attornies, notifying the same, & committing to them the taking depositions in those cases.

Same date. Circular to the foreign representatives, notifying how depositions are to be taken in those cases.

The substance of the preceding letters were agreed to by all, & the rough draughts were submitted to them & approved.

Nov. 14. To Mr. Hammond, that the U. S. are not bound to restore the *Roehampton*. This was agreed by all, the rough draught was submitted to & approved by Colº Hamilton & Mr. Randolph. Genl Knox was absent on a visit to Trenton.

10. Letters to Mr. Genet & Hammond, & the 14. to Mr. Hollingsworth for taking depositions in the cases of the *Coningham* & *Pilgrim*.

15. Dº to Genet, Hammond & Mr. Rawle for deposns. in the case of the *William*.

14. Dº to Hollingsworth to ascertain whether Mr. Moissonier had passed sentence on the *Roehampton* & *Pilgrim*.

These last mentd letters of the 10th 14th & 15th were as to their substance agreed on by all, the draughts were only communicated to Mr. Randolph and approved by him.

Nov. 13. To Mr. Hammond. enquiring when we shall have an answer on the inexecution of the

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treaty. The substance agreed by all. The letter was sent off without communication, none of the gentlemen being at Germantown.

22. To Mr. Genet. returning the commissions of Pennevert & Chervi because not addressed to the Presiden.

Same date. To dº enquiring whether the *Lovely Lass*, *Prince William Henry* & *Jane* of Dublin have been given up, and if not, requiring that they be now restored to owners.

These were agreed to by all as to their matter, and the letters themselves were submitted before they were sent to the President, the Secretary of War & the Attorney General, the Secretary of the Treasury absent.

Same date. To Mr. Gore for authentic evidence of Dannery's protest on the President's revocation of Duplaine's Exequatur. The substance agreed to by all. The letter sent off before communication.

TO ARCHIBALD STUART [1]

GERMANTOWN Nov. 24. 1793.

DEAR SIR,—When I had the pleasure of seeing you at Monticello you mentioned to me that sheep could be procured at or about Staunton, good & cheap, and were kind enough to offer your aid in procuring them. Reflecting on this subject, I find it will be much better to buy & drive them now,

[1] From the original in the possession of the Virginia Historical Society.

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before they have young ones, & before the snow sets in, than to wait till the spring. I therefore take the liberty of enclosing you a 40. Doll. bank post note, which I will beg the favor of you to lay out for me in sheep, taking time between the purchase & delivery, to give notice to Mr. Randolph at Monticello to have them sent for, the letter to be directed to him, or in his absence to Samuel Biddle overseer at Monticello. Your endorsement on the post note will transfer & make it payable to bearer, and consequently will be cash to anybody at Staunton or Richmond who wishes to remit to Philadelphia; or the custom house officer at Richmond will always be glad to give cash for it. What apology must I make for so free a call on you? And what thanks & apology for the use I made of your friendly offer as to the potatoes? But I am again a new beginner in the world, & it is usual for *old* settlers to help *young* ones. France is triumphant in the North. Her rebellion also subsides. The affair of Toulon is against her as yet; but I suspect it is not over,—the yellow fever is entirely vanished in Philadelphia, & all the inhabitants returned to it. The President remains here merely to form a point of union for the members of Congress, who may arrive uninformed of the safety of Philadelphia; but nobody doubts that they will immediately go from hence to sit in Philadelphia. I shall be within striking distance of you by the 15th of January. Accept assurances of my respect & affection.

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TO MRS. CHURCH [1]

GERMANTOWN, Nov. 27th, 1793.

I have received, my good friend, your kind letter of August 19th, with the extract from that of Lafayette, for whom my heart has been constantly bleeding. The influence of the United States has been put into action, as far as it could be either with decency or effect. But I fear that distance and difference of principle give little hold to General Washington on the jailers of Lafayette. However, his friends may be assured that our zeal has not been inactive. Your letter gives me the first information that our dear friend Madame de Corny has been, as to her fortune, among the victims of the times. Sad times, indeed! and much lamented victim! I know no country where the remains of a fortune could place her so much at her ease as this, and where public esteem is so attached to worth, regardless of wealth; but our manners, and the state of our society here, are so different from those to which her habits have been formed, that she would lose more perhaps in that scale. And Madame Cosway in a convent! I knew that to much goodness of heart she joined enthusiasm and religion; but I thought that very enthusiasm would have prevented her from shutting up her adoration of the God of the universe within the walls of a cloister; that she would rather have sought the *mountain-top*. How happy should I be that it were *mine* that you, she, and Madame de Corny would seek. You say, indeed, that you are coming to America, but I know that means New

[1] From S. N. Randolph's *Domestic Life of Jefferson*, page 224.

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York. In the meantime I am going to Virginia. I have at length become able to fix that to the beginning of the new year. I am then to be liberated from the hated occupations of politics, and to remain in the bosom of my family, my farm, and my books. I have my house to build, my fields to farm, and to watch for the happiness of those who labor for mine. I have one daughter married to a man of science, sense, virtue, and competence; in whom indeed I have nothing more to wish. They live with me. If the other shall be as fortunate, in due process of time I shall imagine myself as blessed as the most blessed of the patriarchs. Nothing could then withdraw my thoughts a moment from home but the recollection of my friends abroad. I often put the question, whether yourself and Kitty will ever come to see your friends at Monticello? but it is my affection and not my experience of things which has leave to answer, and I am determined to believe the answer because in that belief I find I sleep sounder and wake more cheerful. *En attendant*, God bless you.

Accept the homage of my sincere and constant affection.

DRAFT OF PRESIDENT'S MESSAGE[1] J. MSS.
[Nov., 1793.]

GENTLEMEN OF THE SENATE:

As the present situation of the several nations of Europe, & especially of those with which the US.

[1] "Th: Jefferson presents his respects to the President & incloses him some letters just received.

"Mr. Pinckney's and Mr. Morris's information relative to the doing

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have important relations, cannot but render the state of things between them & us matter of interesting enquiry to the legislature, & may indeed give rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The Representative & Executive bodies of France have manifested generally a friendly attachment to this country, have given advantages to our commerce & navigation, and have made overtures for placing these advantages on permanent ground. A decree however of the national assembly, subjecting vessels laden with provisions to be carried into their ports, & making enemy goods lawful prize in the vessel of a friend, contrary to our treaty, tho' revoked at one time as to the US. has been since extended to their vessels also, ~~as we learn very recently to the~~ has been recently ~~represented~~ stated to us. Representations ~~made~~ on this subject will be immediately given in charge to our minister there, ~~by our minister, others will be immediately given him in special charge,~~ & the result shall be communicated to the legislature.[1]

& undoing the decrees of the National assembly, in the case of the ship *Laurence* and some other expressions in Mr. Morris's letter seem to render it proper to lower the expression in the message purporting the *just & ready redress of wrongs* on the high sea afforded by that government, which Th: J. will accordingly attend to.

"Nov. 30, 1793."

[1] Before this paragraph was altered, in accordance with the preceding letter, it read as follows: "The several Representative & Executive bodies in France have uniformly manifested the most friendly attachment to this country, have shewn particular favor to our commerce & navigation and as far as yet appears, have given just and ready redress of the wrongs to our citizens & their property irregularly taken on the high seas, & carried into their ports."

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It is with extreme concern I have to inform you that the proceedings of the person whom they have unfortunately appointed their Minister Plenip[y] here have breathed nothing of the friendly spirit of the nation which sent him. Their tendency on the contrary has been to involve us in a war abroad, & discord & anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognisance of the laws, & by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from sentiments of regard to his nation, from a sense of their friendship towards us, from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions, and, I will add, from a firm reliance on the firmness of my fellow-citizens in their principles of peace and order. In the meantime I have respected and pursued the stipulations of our treaties, according to what I judged their true sense; and have withheld no act of friendship which their affairs have called for from us, & which justice to others left us free to perform.—I have gone further, rather than employ force for the restitution of certain vessels which I deemed the US. bound to restore. I thought it more advisable to satisfy the parties by avowing it to be my opinion, that if restitution were not made, it would be incumbent on the US. to make compensation. The papers now communicated

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will more particularly apprize you of these transactions.

The vexations and spoliations understood to have been committed, on our vessels and commerce, by the cruizers & officers of some of the belligerent powers, appeared to require attention. The proofs of these however not having been brought forward, the description of citizens supposed to have suffered were notified, that on furnishing them to the Executive, due measures would be taken to obtain redress of the past, & more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

~~The undertaking to restrain generally our commerce of corn & other provisions to their own ports & those of their friends by an express order of the British government, has been the subject of the communications — representations now communicated. These were forwarded to our minister at their court; and we may expect final information thereon in time to make the same known to the legislature during their present session.~~

The British government having undertaken, by orders to the Commanders of their armed vessels, to restrain generally our commerce in corn & other provisions to their own Ports & those of their friends, the instructions now communicated were immediately forwarded to our minister at that court. In the mean time some discussions on the subject took place between him & them. These are also laid

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before you; & I may expect to learn the result of his special instructions in time to make it known to the legislature during their present session.

Very early after the arrival of a British minister here, mutual explanations on the inexecution of the treaty of peace were entered into ~~between the Secretary of State and~~ with that minister. These are now laid before you for your information.

On the subjects of mutual interest between this country & Spain, negociations & conferences are now depending. The public good requiring that the present state of these should be made known to the legislature in confidence only, they shall be the subject of a separate & subsequent communication.

TO THE FRENCH MINISTER

(EDMOND CHARLES GENET)

PHILADELPHIA, NOV. 30, 1793.

SIR,—I have laid before the President of the United States your letter of Nov. 25, and have now the honor to inform you, that most of its objects, being beyond the powers of the Executive, they can only manifest their dispositions by acting on those which are within their powers. Instructions are accordingly sent to the district attorneys of the United States, residing within States wherein French consuls are established, requiring them to inform the consuls of the nature of the provisions made by the laws for preventing, as well as punishing, injuries to their persons, and to advise and assist them

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in calling these provisions into activity, whenever the occasions for them shall arise.

It is not permitted by the law to prohibit the departure of the emigrants to St. Domingo, according to the wish you now express, any more than it was to force them away, according to that expressed by you in a former letter. Our country is open to all men, to come and go peaceably, when they choose; and your letter does not mention that these emigrants meant to depart armed and equipped for war. Lest, however, this should be attempted, the Governors of the States of Pennsylvania and Maryland are requested to have particular attention paid to the vessels, named in your letter, and to see that no military expedition be covered or permitted under color of the right which the passengers have to depart from these States.

Provisions not being classed among the articles of contraband in time of war, it is possible that American vessels may have carried them to the ports of Jeremie and La Mole, as they do to other dominions of the belligerent Powers; but, if they have carried arms, also, these, as being contraband, might certainly have been stopped and confiscated.

In the letter of May 15, to Mr. Ternant, I mentioned, that, in answer to the complaints of the British minister against the exportation of arms from the United States, it had been observed, that the manufacture of arms was the occupation and livelihood of some of our citizens; that it ought not to be expected that a war among other nations should produce such an internal derangement of the

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occupations of a nation at peace, as the suppression of a manufacture which is the support of some of its citizens; but that, if they should export these arms to nations at war, they would be abandoned to the seizure and confiscation which the law of nations authorized to be made of them on the high seas. This letter was handed to you, and you were pleased, in yours of May 27, expressly to approve of the answer which had been given. On this occasion, therefore, we have only to declare, that the same conduct will be observed which was announced on that.

The proposition to permit all our vessels destined for any port in the French West India islands should be stopped, unless furnished with passports from yourself, is so far beyond the powers of the Executive, that it will be unnecessary to enumerate the objections to which it should be liable.

TO THE PRESIDENT OF THE UNITED STATES J. MSS.

December 2, 1793.

Th: Jefferson, with his respects to the President, has the honor to send him the letters & orders referred to in mr. Morris's letter, except that of the 8th of April, which must be a mistake for some other date, as the records of the office perfectly establish that no letters were written to him in the months of March & April but those of Mar. 12. & 15. & Apr. 20. & 26. now enclosed. The enigma of Mr. Merlino is inexplicable by anything in his possession.

He encloses the message respecting France &

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Great Britain. He first wrote it fair as it was agreed the other evening at the President's. He then drew a line with a pen through the passages he proposes to alter, in consequence of subsequent information (but so lightly as to leave the passages still legible for the President) and interlined the alterations he proposes. The *overtures* mentioned in the first alteration, are in consequence of its having been agreed that they should be mentioned in general terms only to the two houses. The numerous alterations made the other evening in the clause respecting our corn trade, with the hasty amendments proposed in the moment had so much broken the tissue of the paragraph as to render it necessary to new mould it. In doing this, care has been taken to use the same words as nearly as possible, and also to insert a slight reference to mr. Pinckney's proceedings.

On a severe review of the question, whether the British communication should carry any such mark of being confidential as to prevent the legislature from publishing them, he is clearly of opinion they ought not. Will they be kept secret if secrecy be enjoined? certainly not, & all the offence will be given (if it be possible any should be given) which would follow their complete publication. If they could be kept secret, from whom would it be? from our own constituents only, for Great Britain is possessed of every tittle. Why, then, keep it secret from them? no ground of support of the Executive will ever be so sure as a complete knolege of their proceedings by the people; and it is only in cases where the public good would be injured, and

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because it would be injured, that proceedings should be secret. In such cases it is the duty of the Executive to sacrifice their personal interests (which would be promoted by publicity) to the public interest. If the negotiations with England are at an end, if not given to the public now, when are they to be given? & what moment can be so interesting? If anything amiss should happen from the concealment, where will the blame *originate* at least? It may be said, indeed, that the President *puts it in the power* of the legislature to communicate these proceedings to *their constituents;* but is it more their duty to communicate them to their constituents, than it is the President's to communicate them to *his constituents?* and if they were desirous of communicating them, ought the President to restrain them by making the communication confidential? I think no harm can be done by the publication, because it is impossible England, after doing us an injury, should *declare war* against us merely because we tell our constituents of it: and I think good may be done, because while it puts it in the power of the legislature to adopt peaceable measures of doing ourselves justice, it prepares the minds of our constituents to go cheerfully into an acquiescence under these measures, by impressing them with a thorough & enlightened conviction that they are founded in right. The motive too of proving to the people the impartiality of the Executive between the two nations of France and England urges strongly that while they are to see the disagreeable things which have been going on as to France we should not conceal from them what

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has been passing with England, and induce a belief that nothing has been doing.

CABINET DECISIONS J. MSS.

December 7, 1793.

At a meeting of the Heads of Departments and Attorney-General at the President's, on the 7th of December, 1793.

Mr. Genet's letter of Dec. 3, questioning the right of requiring the address of consular commissions to the President, was read. It is the opinion that the address may be either to the United States or to the President of the United States, but that one of these should be insisted on.

A letter of James King was read, dated Philadelphia, Nov. 25, 1793, complaining of the capture of his schooner *Nancy* by a British privateer and carried into New Providence, and that the court there has thrown the onus probandi on the owners, to show that the vessel and cargo are American property. It is the opinion that Mr. King be informed, that it is a general rule that the government should not interpose individually, till a final denial of justice has taken place in the courts of the country where the wrong is done; but that, a considerable degree of information being shortly expected relative to these cases, his will be further considered and attended to at that time.

The Secretary of State informed the President that he had received a number of applications from Mr. Genet, on behalf of the refugees of St. Domingo,

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who have been subjected to tonnage on their vessels and duties on their property, on taking asylum in the ports of this country, into which they were forced by the misfortunes of that colony. It is the opinion that the Secretary of State may put the petitions into the hands of a member of the legislature in his private capacity, to be presented to the legislature.

TO THE FRENCH MINISTER J. MSS.

(EDMOND CHARLES GENET)

PHILADELPHIA, December 9, 1793.

SIR,—I have to acknowledge the receipt of your letter of the 3d instant, which has been duly laid before the President.

We are very far from admitting your principle, that the government on either side has no other right, on the presentation of a consular commission, than to certify that, having examined it, they find it according to rule. The governments of both nations have a right, and that of yours has exercised it as to us, of considering the character of the person appointed; the place for which he is appointed, and other material circumstances; and of taking precautions as to his conduct, if necessary; and this does not defeat the general object of the convention, which, in stipulating that consuls shall be permitted on both sides, could not mean to supersede reasonable objections to particular persons, who might at the moment be obnoxious to the nation to which they were sent, or whose conduct might render them so

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at any time after. In fact, every foreign agent depends on the double will of the two governments, of that which sends him, and of that which is to permit the exercise of his functions within their territory; and when either of these wills is refused or withdrawn, his authority to act within that territory becomes incomplete. By what member of the government the right of giving or withdrawing permission is to be exercised here, is a question on which no foreign agent can be permitted to make himself the umpire. It is sufficient for him, under our government, that he is informed of it by the executive.

On an examination of the commissions from your nation, among our records, I find that before the late change in the form of our government, foreign agents were addressed sometimes to the United States, and sometimes to the Congress of the United States, that body being then the executive as well as legislative. Thus the commissions of Messrs. L'Etombe, Holker, D'annemoures, Marbois, Crevecœur, and Chateaufort, have all this clause: "Prions et requerons nos très chers et grands amis et alliés, les Etats Unis de l'Amerique septentrionale, leurs gouverneurs, et autres officiers, &c. de laisser jouir, &c. le dit sieur, &c. de la charge de notre consul," &c. On the change in the form of our government, foreign nations, not undertaking to decide to what member of the new government their agents should be addressed, ceased to do it to Congress, and adopted the general address to the United States, before cited. This was done by the government of your own

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nation, as appears by the commissions of Messrs. Mangourit and La Forest, which have in them the clause before cited. So your own commission was, not as M. Gerard's and Luzerne's had been, "a nos très chers, &c. le President et membres du Congres general des Etats Unis," &c., but "a nos très chers, &c. les Etats Unis de l'Amerique," &c. Under this general address, the proper member of the government was included, and could take it up. When, therefore, it was seen in the commission of Messrs. Dupont and Hauterive, that your executive had returned to the ancient address to Congress, it was conceived to be an inattention, insomuch that I do not recollect (and I do not think it material enough to inquire) whether I noticed it to you either verbally or by letter. When that of M. Dannery was presented with the like address, being obliged to notice to you an inaccuracy of another kind, I then mentioned that of the address, not calling it an *innovation*, but expressing my satisfaction, which is still entire, that it was not from any design in your Executive Council. The Exequatur was therefore sent. That they will not consider our notice of it as an innovation, we are perfectly secure. No government can disregard formalities more than ours. But when formalities are attacked with a view to change principles, and to introduce an entire independence of foreign agents on the nation with whom they reside, it becomes material to defend formalities. They would be no longer trifles, if they could, in defiance of the national will, continue a foreign agent among us whatever might be his course

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of action. Continuing, therefore, the refusal to receive any commission from *yourself*, addressed to an improper member of the government, you are left free to use either the general one to the United States, as in the commissions of Messrs. Mangourit and La Forest, before cited, or the special one, to the President of the United States.

I have the honor to be, with respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES J. MSS.

December 11, 1793.

The President doubtless recollects the communications of mr. Ternant expressing the dissatisfaction of the Executive council of France with mr. Morris, our minister there, which, however mr. Ternant desired might be considered as informal: that Colº Smith also mentioned that dissatisfaction, & that mr. Le Brun told him he would charge mr. Genet expressly with their representations on this subject; & that all further consideration thereon lay over therefore for mr. Genet's representations.

Mr. Genet, some time after his arrival (I cannot now recollect how long, but I think it was a month or more) coming to my house in the country one evening, joined me in a walk near the river. Our conversation was on various topics, & not at all of an official complexion. As we were returning to the house being then I suppose on some subject relative to his country (tho' I really do not recall to mind

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what it was), he turned about to me, just in the passage of the gate, & said, "but I must tell you we all depend on you to send us a good minister there, with whom we may do business confidentially, in the place of mr. Morris." These are perhaps not the identical words, yet I believe they are nearly so; I am sure they are the substance, & he scarcely employed more in the expression. It was unexpected & to avoid the necessity of an extempore answer, I instantly said something resuming the preceding thread of conversation, which went on, & no more was said about mr. Morris. From this, I took it for granted he meant now to come forward formally with complaints against mr. Morris, as we had been given to expect, & therefore I mentioned nothing of this little expression to the President. Time slipped along, I expecting his complaints, & he not making them. It was undoubtedly his office to bring forward his own business himself, & not at all mine, to hasten or call for it; & if it was not my duty, I could not be without reasons for not taking it on myself officiously. He at length went to New York, to wit, about the of without having done anything formally on this subject. I now became uneasy lest he should consider the little sentence he had uttered to me as effectually, tho' not regularly, a complaint. But the more I reflected on the subject, the more impossible it seemed that he could have viewed it as such; & the rather, because, if he had, he would naturally have asked from time to time, "Well, what are you doing with my complaint against mr. Morris?" or some question equivalent. But he never

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did. It is possible I may, at other times have heard him speak unfavorably of mr. Morris, tho' I do not recollect any particular occasion, but I am sure he never made to me any proposition to have him recalled. I believe I mentioned this matter to mr. Randolph before I left Philadelphia: I know I did after my return; but I did not to the President till the receipt of mr. Genet's letter of Sep. 30, which from some unaccountable delay of the post never came to me in Virginia, tho' I remained there till Oct. 25. (and received there three subsequent mails), and it never reached me in Philadelphia till Dec. 2.

The preceding is the state of this matter, as nearly as I can recollect it at this time, & I am sure it is not materially inaccurate in any point.

TO MR. CHURCH J. MSS.

PHILADELPHIA Dec 11, 1793.

SIR,—The President has received your letter of Aug. 16. with its enclosures. It was with deep concern that he learnt the unhappy fortunes of M. de la Fayette, and that he still learns his continuance under them. His friendship for him could not fail to impress him with the desire of relieving him, and he was sure that in endeavoring to do this, he should gratify the sincere attachments of his fellow citizens. He has accordingly employed such means as appeared the most likely to effect his purpose; tho' under the existing circumstances, he could not be sanguine in their obtaining very immediately the

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desired effect. Conscious, however, that his anxieties for the sufferer flow from no motives unfriendly to those who feel an interest in his confinement, he indulges their continuance, & will not relinquish the hope that the reasons for this severity will at length yield to those of a more benign character.

TO THE BRITISH MINISTER. J. MSS.
(GEORGE HAMMOND)

PHILADELPHIA, December 15, 1793.

SIR,—I am to acknowledge the honor of your letter of November 30th, and to express the satisfaction with which we learn, that you are instructed to discuss with us the measures, which reason and practicability may dictate for giving effect to the stipulations of our treaty, yet remaining to be executed. I can assure you, on the part of the United States, of every disposition to lessen difficulties, by passing over whatever is of smaller concern, and insisting on those matters only, which either justice to individuals or public policy render indispensable; and in order to simplify our discussions, by defining precisely their objects, I have the honor to propose that we shall begin by specifying, on each side, the particular acts which each considers to have been done by the other, in contravention of the treaty. I shall set the example.

The provisional and definitive treaties, in their 7th article, stipulated that his "Britannic Majesty should, with all convenient speed, and without causing any destruction, or *carrying away any negroes*,

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or other property, of the American inhabitants, *withdraw all his armies, garrisons, and fleets, from the said United States*, and from every port, place, and harbor, within the same."

But the British garrisons were not withdrawn with all convenient speed, nor have ever yet been withdrawn from Machilimackinac, on Lake Michigan; Detroit, on the strait of Lakes Erie and Huron; Fort Erie, on Lake Erie; Niagara, Oswego, on Lake Ontario; Oswegatchie, on the river St. Lawrence; Point Au-fer, and Dutchman's Point, on Lake Champlain.

2d. The British officers have undertaken to exercise a jurisdiction over the country and inhabitants in the vicinities of those forts; and

3d. They have excluded the citizens of the United States from navigating, even on our side of the middle line of the rivers and lakes established as a boundary between the two nations.

By these proceedings, we have been intercepted entirely from the commerce of furs with the Indian nations, to the northward—a commerce which had ever been of great importance to the United States, not only for its intrinsic value, but as it was the means of cherishing peace with those Indians, and of superseding the necessity of that expensive warfare we have been obliged to carry on with them, during the time that these posts have been in other hands.

On withdrawing the troops from New York, 1st. A large embarkation of negroes, of the property of the inhabitants of the United States, took place before the commissioners on our part, for inspecting and superintending embarkations, had arrived there,

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and without any account ever rendered thereof. 2d. Near three thousand others were publicly carried away by the avowed order of the British commanding officer, and under the view, and against the remonstrances of our commissioners. 3d. A very great number were carried off in private vessels, if not by the express permission, yet certainly without opposition on the part of the commanding officer, who alone had the means of preventing it, and without admitting the inspection of the American commissioners; and 4th. Of other species of property carried away, the commanding officer permitted no examination at all. In support of these facts, I have the honor to enclose you documents, a list of which will be subjoined, and in addition to them, I beg leave to refer to a roll signed by the joint commissioners, and delivered to your commanding officer for transmission to his court, containing a description of the negroes publicly carried away by his order as before mentioned, with a copy of which you have doubtless been furnished.

A difference of opinion, too, having arisen as to the river intended by the plenipotentiaries to be the boundary between us and the dominions of Great Britain, and by them called the St. Croix, which name, it seems, is given to two different rivers, the ascertaining of this point becomes a matter of present urgency; it has heretofore been the subject of application from us to the Government of Great Britain.

There are other smaller matters between the two nations, which remain to be adjusted, but I think it would be better to refer these for settlement through

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the ordinary channel of our ministers, than to embarrass the present important discussions with them; they can never be obstacles to friendship and harmony.

Permit me now, sir, to ask from you a specification of the particular acts, which, being considered by his Britannic Majesty as a non-compliance on our part with the engagement contained in the 4th, 5th, and 6th articles of the treaty, induced him to suspend the execution of the 7th, and render a separate discussion of them inadmissible. And accept assurances, &c.

REPORT ON THE PRIVILEGES AND RESTRICTIONS ON THE COMMERCE OF THE UNITED STATES IN FOREIGN COUNTRIES [1]

The Secretary of State, to whom was referred by the House of Representatives, the report of a committee on the written message of the President of the United States, of the 14th of February, 1791, with instructions to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same, has had the same under consideration, and thereupon makes the following Report:

The countries with which the United States have their chief commercial intercourse are Spain,

[1] Transmitted to Congress in the following letter:

[DECEMBER 16, 1793.]

"SIR,—According to the pleasure of the House of Representatives, expressed in their resolution of February 23, 1791, I now lay before

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Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American

them a report on the privileges and restrictions on the commerce of the United States in foreign countries. In order to keep the subject within those bounds which I supposed to be under the contemplation of the House, I have restrained my statements to those countries only with which we carry on a commerce of some importance, and to those articles also of our produce which are of sensible weight in the scale of our exports; and even these articles are sometimes grouped together, according to the degree of favor or restriction with which they are received in each country, and that degree expressed in general terms without detailing the exact duty levied on each article. To have gone fully into these minutiæ, would have been to copy the tariffs and books of rates of the different countries, and to have hidden, under a mass of details, those general and important truths, the extraction of which, in a simple form, I conceived would best answer the inquiries of the House, by condensing material information within those limits of time and attention, which this portion of their duties may justly claim. The plan, indeed, of minute details which have been impracticable with some countries, for want of information.

"Since preparing this report, which was put into its present form in time to have been given in to the last session of Congress alterations of the conditions of our commerce with some foreign nations have taken place—some of them independent of war; some arising out of it.

"France has proposed to enter into a new treaty of commerce with us, on liberal principles; and has, in the meantime, relaxed some of the restraints mentioned in the report. Spain has, by an ordinance of June last, established New Orleans, Pensacola, and St. Augustine into free ports, for the vessels of friendly nations *having treaties of commerce* with her, provided they touch for a permit at Corcubion in Gallicia, or at Alicant; and our rice is, by the same ordinance, excluded from that country. The circumstances of war have necessarily given us freer access to the West Indian islands, whilst they have also drawn on our navigation vexations and depredations of a most serious nature.

"To have endeavored to describe all these, would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, to the summer of 1792. I have the honor to be, &c.

"*To the Speaker of the House of Representatives of the United States of America,*"

See VII., pp. 234, 240, 243, and 246.

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possessions; and the articles of export, which constitute the basis of that commerce, with their respective amounts, are,

Breadstuff, that is to say, bread grains, meals, and bread, to the annual amount of	$7,649,887
Tobacco	4,349,567
Rice	1,753,796
Wood	1,263,534
Salted fish	941,696
Pot and pearl ash	839,093
Salted meats	599,130
Indigo	537,379
Horses and mules	339,753
Whale oil	252,591
Flax seed	236,072
Tar, pitch and turpentine	217,177
Live provisions	137,743
Ships	
Foreign goods	620,274

To descend to articles of smaller value than these, would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports, which go to the nations before mentioned, and to their dominions, respectively, are as follows:

To Spain and its dominions	$2,005,907
Portugal and its dominions	1,283,462
France and its dominions	4,698,735
Great Britain and its dominions	9,363,416

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The United Netherlands and their dominions	$1,963,880
Denmark and its dominions	224,415
Sweden and its dominions	47,240

Our imports from the same countries, are,

Spain and its dominions	335,110
Portugal and its dominions	595,763
France and its dominions	2,068,348
Great Britain and its dominions	15,285,428
United Netherlands and their dominions	1,172,692
Denmark and its dominions	351,364
Sweden and its dominions	14,325

These imports consist mostly of articles on which industry has been exhausted.

Our *navigation*, depending on the same commerce, will appear by the following statement of the tonnage of our own vessels, entering in our ports, from those several nations and their possessions, in one year; that is to say, from October, 1789, to September, 1790, inclusive, as follows:

	Tons.
Spain	19,695
Portugal	23,576
France	116,410
Great Britain	43,580
United Netherlands	58,858
Denmark	14,655
Sweden	750

Of our commercial objects, Spain receives favorably our breadstuff, salted fish, wood, ships, tar,

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pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when re-exported to their colonies, they have lately imposed duties of from half-a-dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles, being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary islands under the same conditions.

Themselves, and their colonies, are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain; foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Portugal receives favorably our grain and bread, salted fish, and other salted provisions, wood, tar, pitch and turpentine.

For flax-seed, pot and pearl ash, though not discouraged, there is little demand.

Our ships pay 20 per cent. on being sold to their subjects, and are then free-bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own, or any others; that is to say, on general duties

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of from 20 to 28 per cent., and, consequently, our navigation is unobstructed by them. Tobacco, rice, and meals, are prohibited.

Themselves and their colonies consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd islands, except that in these, meals and rice are received freely.

France receives favorably our bread-stuffs, rice, wood, pot and pearl ashes.

A duty of 5 sous the quintal, or nearly 4½ cents, is paid on our tar, pitch, and turpentine. Our whale oils pay 6 livres the quintal, and are the only foreign whale oils admitted. Our indigo pays 5 livres the quintal, their own 2½; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one of twenty livres the quintal.

Our ships are free to carry thither all foreign goods which may be carried in their own or any other vessels, except tobaccoes not of our own growth; and they participate with theirs, the exclusive carriage of our whale oils and tobaccoes.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports and converted into national bottoms. The first national assembly took from our ships this privilege. They emancipated

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tobacco from its monopoly, but subjected it to duties of eighteen livres, fifteen sous the quintal, carried in their own vessels, and five livres carried in ours—a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

Great Britain receives our pot and pearl ashes free, whilst those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron; of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flax-seed are free from all countries. Our tar and pitch pay eleven pence, sterling, the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling and three pence, sterling, the pound, custom and excise, besides heavy expenses of collection; and rice, in the same case, pays seven shillings and four pence, sterling, the hundred weight; which rendering it too dear, as an article of common food, it is consequently used in very small quantity.

Our salted fish and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties, so are our grains, meals, and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to fifty shillings, sterling, the quarter, and other grains and meals in proportion.

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Our ships, though purchased and navigated by their own subjects, are not permitted to be used, even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law (12 Car. 2, 18, sect. 3), from carrying thither all and any of our own domestic productions and manufactures. A subsequent act, indeed, has authorized their executive to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission has been given from year to year by proclamation, but subject every moment to be withdrawn on that single will; in which event, our vessels having anything on board, stand interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion,[1] when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined for the ports of Great Britain. The minister of that court, indeed, frankly expressed his personal convictions that the words of the order went farther than was intended, and so he afterwards officially informed us; but the embarrassments of

[1] April 12, 1792.—*T. J.*

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the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement as to other countries, where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports one shilling and nine pence, sterling, per ton, light and trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us, is re-exported to other countries, under the useless charges of an intermediate deposit, and double voyage. From tables published in England, and composed, as is said, from the books of their custom-houses, it appears, that of the indigo imported there in the years 1773, '4, '5, one-third was re-exported; and from a document of authority, we learn, that of the rice and tobacco imported there before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war, are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is re-exported when wheat is below fifty shillings the quarter, and other grains in proportion.

The *United Netherlands* prohibit our pickled beef and pork, meals and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied

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duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly re-shipped to other maritime countries. On the latter portion they intercept between us and the consumer, so much of the value as is absorbed in the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in vessels of any nation.

Our ships may be sold and neutralized there, with exceptions of one or two privileges, which somewhat lessen their value.

Denmark lays considerable duties on our tobacco and rice, carried in their own vessels, and half as much more, if carried in ours; but the exact amount of these duties is not perfectly known here. They lay such duties as amount to prohibitions on our indigo and corn.

Sweden receives favorably our grains and meals, salted provisions, indigo, and whale oil.

They subject our rice to duties of sixteen mills the pound weight, carried in their own vessels, and of forty per cent. additional on that, or twenty-two and four-tenths mills, carried in ours or any others. Being thus rendered too dear as an article of common food, little of it is consumed with them. They consume some of our tobaccoes, which they take circuitously through Great Britain, levying heavy duties on them also; their duties of entry, town duties, and excise, being 4.34 dollars the hundred weight, if

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carried in their own vessels, and of forty per cent. on that additional, if carried in our own or any other vessels.

They prohibit altogether our bread, fish, pot and pearl ashes, flax-seed, tar, pitch, and turpentine, wood (except oak timber and masts), and all foreign manufactures.

Under so many restrictions and prohibitions, our navigation with them is reduced to almost nothing.

With our neighbors, an order of things much harder presents itself.

Spain and *Portugal* refuse, to all those parts of America which they govern, all direct intercourse with any people but themselves. The commodities in mutual demand between them and their neighbors, must be carried to be exchanged in some port of the dominant country, and the transportation between that and the subject state, must be in a domestic bottom.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, turpentine, rice, and maize, and prohibits our other bread stuff; but a suspension of this prohibition having been left to the colonial legislatures, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands under a duty of three colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

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Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and bread stuff, by a proclamation of her executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring in exchange rum, molasses, sugar, coffee, cocoa-nuts, ginger, and pimento. There are, indeed, some freedoms in the island of Dominica, but, under such circumstances, as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called the navigation act.

In the *Danish American* possessions a duty of 5 per cent. is levied on our corn, corn meal, rice, tobacco, wood, salted fish, indigo, horses, mules and live stock, and of 10 per cent. on our flour, salted pork and beef, tar, pitch and turpentine.

In the American islands of the *United Netherlands* and Sweden, our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the continent.

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To sum up these restrictions, so far as they are important:

FIRST. In Europe—

Our bread stuff is at most times under prohibitory duties in England, and considerably dutied on re-exportation from Spain to her colonies.

Our tobaccoes are heavily dutied in England, Sweden and France, and prohibited in Spain and Portugal.

Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.

Our fish and salted provisions are prohibited in England, and under prohibitory duties in France.

Our whale oils are prohibited in England and Portugal.

And our vessels are denied naturalization in England, and of late in France.

SECOND. In the West Indies—

All intercourse is prohibited with the possessions of Spain and Portugal.

Our salted provisions and fish are prohibited by England.

Our salted pork and bread stuff (except maize) are received under temporary laws only, in the dominions of France, and our salted fish pays there a weighty duty.

THIRD. In the article of navigation—

Our own carriage of our own tobacco is heavily dutied in Sweden, and lately in France.

We can carry no article, not of our own production, to the British ports in Europe. Nor even our own produce to her American possessions.

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Such being the restrictions on the commerce and navigation of the United States; the question is, in what way they may best be removed, modified or counteracted?

As to commerce, two methods occur. 1. By friendly arrangements with the several nations with whom these restrictions exist; Or, 2. By the separate act of our own legislatures for countervailing their effects.

There can be no doubt but that of these two, friendly arrangements is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surplusses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce in all its extent, might still be willing to mollify its re-

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strictions and regulations for us, in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessaries of life, or materials for manufacture, or convenient subjects of revenue; and we take in exchange, either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market. Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry, it is valuable, but as a resource of defence, essential.

Its value, as a branch of industry, is enhanced by

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the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, that is to say, when those nations who may be our principal carriers, shall be at war with each other, if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expence of war-freight and insurance, and the articles which will not bear that, must perish on our hands.

But it is as a resource of defence that our navigation will admit neither negligence nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land-board, and nothing to desire beyond their present rights. But on their seaboard, they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen-seamen, and of artists and establishments in readiness for shipbuilding.

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their

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object. But if particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States, to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defence; its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defence, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation, are ours in abundance. And, as to the mode of using them, we have only to adopt the principles of those who put us on the defensive, or others equivalent and better fitted to our circumstances.

The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation.

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring

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here, in competition with our own of the same kind; selecting next, such manufactures as we take from them in greatest quantity, and which, at the same time, we could the soonest furnish to ourselves, or obtain from other countries; imposing on them duties lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may insure him the highest profits from his skill and industry. And here, it would be in the power of the State governments to co-operate essentially, by opening the resources of encouragement which are under their control, extending them liberally to artists in those particular branches of manufacture for which their soil, climate, population and other circumstances have matured them, and fostering the precious efforts and progress of *household* manufacture, by some patronage suited to the nature of its objects, guided by the local informations they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture, in foreign ports, would thus be made the occasion of relieving it from a dependence on the councils and conduct of others, and of promoting arts, manufactures and population at home.

2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought

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expedient, refuse residence to theirs in any and every part of ours, or modify their transactions.

3. Where a nation refuses to receive in our vessels any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the committee, are well formed to effect this object.

4. Where a nation refuses to consider any vessel as ours which has not been built within our territories, we should refuse to consider as theirs, any vessel not built within their territories.

5. Where a nation refuses to our vessels the carriage even of our own productions, to certain countries under their domination, we might refuse to theirs of every description, the carriage of the same productions to the same countries. But as justice and good neighborhood would dictate that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restrictions to vessels owned or navigated by any subjects of the same dominant power, other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too sudden a check on the means of transportation, we may continue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only, as may be supposed necessary to provide against that inconvenience.

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The establishment of some of these principles by Great Britain, alone, has already lost to us in our commerce with that country and its possessions, between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials, in which they have confidence. This involves a proportional loss of seamen, shipwrights, and ship-building, and is too serious a loss to admit forbearance of some effectual remedy.

It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth and loss of force, which will follow our perseverance in the plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions, as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them; but to our own means of independence, and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them. In our case one distinction alone will

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suffice: that is to say, between nations who favor our productions and navigation, and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these as to some articles, and prohibitions as to others, for the last.

Still, it must be repeated that friendly arrangements are preferable with all who will come into them; and that we should carry into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit.

France has, of her own accord, proposed negotiations for improving, by a new treaty on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present government, to that of Great Britain, as the message states; but, being already on as good a footing in law, and a better in fact, than the most favored nation, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly arrangements would be declined by the other nations, with whom we have such commercial intercourse as may render them important. In the meanwhile it would rest with the wisdom of Congress to determine whether, as to those nations, they will not surcease *ex parte* regulations, on the reasonable presumption

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that they will concur in doing whatever justice and moderation dictate should be done.

TO THE ATTORNEY-GENERAL (EDMUND RANDOLPH) J. MSS.

PHILADELPHIA, Dec. 18. 1793

SIR,—The Minister Plenipotentiary of France has inclosed to me the copy of a letter of the 16th inst. which he addressed to you, stating that some libellous publications had been made against him by mr. Jay, chief Justice of the U. S. & mr. King, one of the Senators for the state of New York, & desiring that they might be prosecuted. This letter has been laid before the President, according to the request of the Minister, & the President, never doubting your readiness on all occasions to perform the functions of your office, yet thinks it incumbent on him to recommend it specially on the present occasion, as it concerns a public character peculiarly entitled to the protection of the laws. On the other hand, as our citizens ought not be to vexed with groundless prosecutions, duty to them requires it to be added, that if you judge the prosecution in question to be of that nature, you consider this recommendation as not extending to it; it's only object being to engage you to proceed in this case according to the duties of your office, the laws of the land & the privileges of the parties concerned. I have the honor &c.

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OPINION ON NEUTRAL TRADE

Dec. 20th, 1793.

Explanation of the origin of the principle that "free bottoms make free goods"

A doubt being entertained whether the use of the word *modern*, as applied to the *law of nations* in the President's proclamation, be not inconsistent with ground afterwards taken in a letter to Genet, I will state the matter while it is fresh in my mind,—beginning it from an early period.

It cannot be denied that according to the general law of nations, the goods of an enemy are lawful prize in the bottom of a friend, and the goods of a friend privileged in the bottom of an enemy; or in other words, that *the goods follow the owner*. The inconvenience of this principle in subjecting neutral vessels to vexatious searches at sea, has for more than a century rendered it usual for nations to substitute a *conventional* principle *that the goods shall follow the bottom*, instead of the *natural* one before mentioned. France has done it in all her treaties; so I believe had Spain, before the American Revolution. Britain had not done it. When that war had involved those powers, Russia, foreseeing that her commerce would be much harassed by the British ships, engaged Denmark, Sweden, and Portugal to arm, and to declare that the conventional principle should be observed by the powers at war, towards neutrals, and that they would make common cause against the party who should violate it; declaring expressly, at the same time, that that Con-

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vention should be in force only during the war then existing. Holland acceded to the Convention, and Britain instantly attacked her. But the other neutral powers did not think proper to comply with their stipulation of making common cause. France declared at once that she would conform to the conventional principle. This in fact imposed no new obligation on her, for she was already bound by her treaties with all those powers to observe that principle. Spain made the same declaration. Congress gave similar orders to their vessels; but Congress afterwards gave instructions to their ministers abroad not to engage them in any future combination of powers for the general enforcement of the conventional principle that goods should follow the bottom, as this might at some time or other engage them in a war for other nations; but to introduce the principle separately with every nation by the treaties they were authorized to make with each. It had been already done with France and Holland, and it was afterwards done with Prussia, and made a regular part in every treaty they proposed to others. After the war, Great Britain established it between herself and France. When she engaged in the present war with France, it was thought extremely desirable for us to get this principle admitted by her, and hoping that as she had acceded to it in one instance, she might be induced to admit it as a principle now settled by the common consent of nations, (for every nation, belligerent or neutral, had stipulated it on one or more occasions,) that she might be induced to consider it as now become a *conventional*

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law of nations, I proposed to insert the word *modern* in the proclamation, to open upon her the idea that we should require the acquiescence in that principle as the condition of our remaining in peace. It was thought desirable by the other gentlemen; but having no expectation of any effect from it, they acquiesced in the insertion of the word, merely to gratify me. I had another view, which I did not mention to them, because I apprehended it would occasion the loss of the word.

By the ancient law of nations, *e. g.* in the time of the Romans, the furnishing a limited aid of troops, though stipulated, was deemed a cause of war. In latter times, it is admitted not to be a cause of war. This is one of the improvements in the law of nations. I thought we might conclude, by parity of reasoning, that the guaranteeing a limited portion of territory, in a stipulated case might not, by the modern law of nations, be a cause of war. I therefore meant by the introduction of that word, to lay the foundation of the execution of our guarantee, by way of negotiation with England. The word was, therefore, introduced, and a strong letter was written to Mr. Pinckney to observe to Great Britain that we were bound by our treaties with the other belligerent powers to observe certain principles during this war: that we were willing to observe the same principles towards her; and indeed, that we considered it as essential to proceed by the same rule to all, and to propose to her to select those articles concerning our conduct in a case of our neutrality from any one of our treaties which she pleased; or that we would take

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those from her own treaty with France, and make a temporary Convention of them for the term of the present war; and he was instructed to press this strongly. I told Genet that we had done this; but instead of giving us time to work our principles into effect by negotiation, he immediately took occasion in a letter, to threaten that if we did not resent the conduct of the British in taking French property in American bottoms and protect their goods by *effectual measures* (meaning by arms), he would give direction that the principle of our treaty of goods following the bottom should be disregarded. He was, at the same time, in the habit of keeping our goods taken in British bottoms; so that they were to take the gaining alternative of each principle, and give us the losing one. It became necessary to oppose this in the answer to his letter, and it was impossible to do it soundly, but by placing it on its own ground, to wit: that the law of nations established as a general rule that *goods should follow the owner*, and that the making them *follow the vessel* was an exception depending on special conventions only in those cases where the Convention had been made: that the exception had been established by us in our treaties with France, Holland, and Prussia, and that we should endeavor to extend it to England, Spain, and other powers; but that till it was done, we had no right to make war for the enforcement of it. He thus obliged us to abandon in the first moment the ground we were endeavoring to gain, that is to say, his ground against England and Spain, and to take the very ground of England and

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Spain against him. This was my private reason for proposing the term *modern* in the proclamation; that it might reserve us a ground to obtain the very things he wanted. But the world, who knew nothing of these private reasons, were to understand by the expression the *modern law of nations*, that law with all the improvements and mollifications of it which an advancement of civilization in *modern* times had introduced. It does not mean strictly anything which is not a part of the *law of nations* in *modern* times, and therefore could not be inconsistent with the ground taken in the letter of Genet, which was that of the *law of nations*, and by no means could be equivalent to a declaration by the President of the specific principle, that *goods should follow the bottom.*

TO MARTHA JEFFERSON RANDOLPH J. MSS.

PHILADELPHIA, Dec. 22. 1793.

MY DEAR MARTHA.—In my letter of this day fortnight to mr. Randolph, and that of this day week to Maria, I mentioned my wish that my horses might meet me at Fredericksburg, on the 12th of January. I now repeat it, lest those letters should miscarry. The President made yesterday, what I hope will be the last set at me to continue; but in this I am now immovable, by any considerations whatever. My books & remains of furniture embark tomorrow for Richmond. These will be as much in bulk as what went before. I think to address them to Colo. Gamble. As I retained the longest here the things most necessary, they are of course those I shall want

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soonest when I get home. Therefore I would wish them, after their arrival to be carried up in preference to the packages formerly sent. The N^os^ most wanting will begin at 67. I hope that by the next post I shall be able to send mr. Randolph a printed copy of our correspondence with mr. Genet & mr. Hammond, as communicated to Congress. They are now in the press. Our affairs with England & Spain have a turbid appearance. The letting loose the Algerines on us, which has been contrived by England, has produced peculiar irritation. I think Congress will indemnify themselves by high duties on all articles of British importation. If this should produce war tho' not wished for, it seems not to be feared. My best affections to mr Randolph, Maria. & our friends with you. Kisses to the little ones. Adieu my dear Martha. Yours with all love.

TO THE BRITISH MINISTER (GEORGE HAMMOND) J. MSS.

PHILADELPHIA Decr. 26. 1793.

SIR,—Your letter of the 23rd instant, desiring an ascertainment, in the mode pointed out in my letter of Septr. 5. of the losses occasioned by waste, spoliation, and detention, of the Sloop *Hope*, taken on the 10th of August, by the privateer *la Citoyen Genet*, brought into this port the 14th and restored on the 20th in consequence of the orders of this Government, has been laid before the President.

I have observed to you in the letter of Sept. 5. that we were bound by Treaties with three of the belligerent powers, to protect their vessels on our coast &

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waters, by all the means in our power: that if these means were sincerely used in any case, and should fail in their effect, we should not be bound to make compensation to those nations. Though these means should be effectual, and restitution of the vessel be made; yet if any unnecessary delay, or other default in using them should have been the cause of a considerable degree of waste or spoliation, we should probably, think we ought to make it good: but whether the claim be for compensation of a vessel not restored, or for spoliation before her restitution, it must be founded on some *default* in the Government.

Though we have no treaty with Great Britain, we are in fact in the course of extending the same treatment to her, as to nations with which we are in treaty: and we extend the effect of our stipulations beyond our coasts & waters, as to vessels taken and brought into our ports, by those which have been illicitly armed in them. But still the foundation of claim from hazard of them, must be some palpable *default* on the part of our Government. Now none such is alledged in the case of the sloop *Hope*. She appears to have been delivered within 6 days after her arrival in port, a shorter term than we can possibly count upon in general. Perhaps too the term may have been still shorter between *notice* to the proper officer and restitution; for the time of notice is not mentioned. This then, not being a case where compensation seems justly demandable from us, the President thinks it unnecessary to give any order for ascertaining the degree of injury sustained.

I have stated to the President, the desire you ex-

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pressed to me in conversation, that the orders proposed to be given for ascertaining damages, in the special cases described in my letter of Sep. 5., should be rendered general, so that a valuation might be obtained by the officers of the Customs, whenever applied to by a Consul, without the delay of sending for the orders of the Executive in every special case. The President is desirous not only that justice shall be done, but that it shall be done in all cases without delay. He therefore, will have such general orders given to the collector of the customs in every state. But you must be pleased to understand that the valuation in such case, is to be a mere provisory measure, not producing any presumption whatever that the case is one of those whereon compensation is due, but that the question whether it is due or not shall remain as free and uninfluenced as if the valuation had never been made. I have the honor to be &c.

SUPPLEMENTARY REPORT ON COMMERCE

[Dec. 30. 1793.]

The Secretary of State, to whom the President of the United States referred the resolution of the House of Representatives of December 24, 1793, desiring the substance of all such laws, decrees, or ordinances, respecting commerce in any of the countries with which the United States have commercial intercourse, as have been received by the Secretary of State, and not already stated to the House in his report of the 16th instant, reports:

That he has had an official communication of a Decree rendered by the National Assembly of France

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on the 26th day of March last, of which the following is a translation:

DECREE

"Exempting from all duties the subsistences and other objects of supply in the Colonies, relative to the United States, pronounced in the sitting of the 26th of March, 1793, 2d year of the French Republic.

"The National Convention, willing to prevent by precise dispositions, the difficulties that might arise relatively to the execution of its decree of the 19th February last, concerning the United States of America—to grant favors to this ally-nation, and to treat it, in its commercial relations with the Colonies of France, in the same manner as the vessels of the Republic—decree as follows:

"Art. 1. From the day of the publication of the present decree in the French-American Colonies, the vessels of the United States, of the burdens of sixty tons at the least, laden only with meals and subsistences, as well as the objects of supply announced in article 2, of the arrêt of 30th August, 1784, as also lard, butter, salted salmon, and candies shall be admitted into the ports of said Colonies exempt from all duties. The same exemption shall extend to the French vessels laden with the same articles, and coming from a foreign port.

"Art. 2. The captains of vessels of the United States, who, having brought into the French American Colonies the objects comprised in the above article, wish to return to the territory of the said States, may lade in the said Colonies, independent

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of sirups, rum, taffias, and French merchandises, a quantity of coffee equivalent to the one-fiftieth of the tonnage of every vessel, as also a quantity of sugar equal to one-tenth, on conforming to the following articles:

"Art. 3. Every captain of an American vessel, who wishes to make returns to the United States of coffee and sugar of the French Colonies, shall make it appear that his vessel entered therein with at least two-thirds of her cargo, according to article 1. For this purpose, he shall be obliged to transmit, within twenty-four hours after his arrival, to the custom-house of the place he may land at, a certificate of the marine agents, establishing the guage of his vessel and the effective tonnage of her cargo. The heads of the said custom-houses shall assure themselves that the exportation of the sugars and coffee does not exceed the proportion fixed by the second article of the present decree.

"Art. 4. The captains of vessels of the United States of America shall not pay, on going from the islands, as well as those of the Republic, but a duty of 5 livres per quintal of indigo, 10 livres per thousand weight of cotton, 5 livres per thousand weight of coffee, 5 livres per thousand weight of brown and clayed sugars, and 50 sols per thousand weight of raw sugar. Every other merchandise shall be exempt from duty on going out of the Colonies.

"Art. 5. The sugars and coffee which shall be laden shall pay at the custom-houses which are established in the colonies, or that shall be established, in addition to the duties above fixed, those imposed

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by the law of 19th March, 1791, on the sugars and coffee imported from the said Colonies to France, and conformably to the same law.

"Art. 6. The captains of vessels of the United States, who wish to lade merchandises of the said Colonies, for the ports of France, shall furnish the custom-house at the place of departure with the bonds required of the masters of French vessels by the second article of the law of 10th July, 1791, to secure the unlading of these merchandises in the ports of the Republic.

"Art. 7. The vessels of the nations with whom the French Republic is not at war may carry to the French American Colonies all the objects designated by the present decree. They may also bring, into the ports of the Republic only, all the productions of the said Colonies, on the conditions announced in the said decree, as well as that of 19th of February.

"Copy conformable to the original,

"GENET."

That he has not received officially any copy of the decree said to have been rendered by the same Assembly on the 27th day of July last, subjecting the vessels of the United States laden with provisions to be carried, against their will, into the ports of France, and those having enemy goods on board to have such goods taken out as legal prize.

That an ordinance has been passed by the Government of Spain, on the 9th day of June last, the substance of which has been officially communicated to him in the following words, to wit:

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"Extract of an Ordinance that the inhabitants of Louisiana, being deprived of their commerce with France, (on account of the war,) as allowed by the ordinance of January, 1782, &c., His Majesty considering that they and the inhabitants of the Floridas cannot subsist without the means of disposing of their productions and of acquiring those necessary for their own consumption; for that purpose, and to increase the national commerce—the commerce of those provinces and their agriculture—has directed the following articles to be provisionally observed:

"The inhabitants of the above-mentioned provinces to be allowed to commerce freely both in Europe and America with all friendly nations who have treaties of commerce with Spain; New Orleans, Pensacola, and St. Augustine, to be ports for that purpose. No exception as to the articles to be sent or to be received. Every vessel, however, to be subjected to touch at Corcubion, in Gallicia, or Alicant, and to take a permit there, without which, the entry not to be allowed in the ports above mentioned.

"The articles of this commerce, carried on thus directly between those provinces and foreign nations to pay a duty of fifteen per cent. importation, except negroes, who may be imported free of duty. The productions and silver exported to purchase those negroes to pay the six per. cent. exportation duty. The exportation of silver to be allowed for this purpose only.

"The commerce between Spain and those provinces to remain free. Spaniards to be allowed to

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observe the same rules and to fit out from the same ports (in vessels wholly belonging to them, without connexion with foreigners) for those provinces as for the other Spanish Colonies.

"To remove all obstacles to this commerce, all sorts of merchandise destined for Louisiana and the Floridas (even those whose admission is prohibited for other places) may be entered in the ports of Spain, and, in like manner, tobacco and all other prohibited articles may be imported into Spain from these provinces, to be re-exported to foreign countries.

"To improve this commerce and encourage the agriculture of those provinces the importation of foreign rice into the ports of Spain is prohibited, and a like preference shall be given to the other productions of these provinces, when they shall suffice for the consumption of Spain.

"All articles exported from Spain to these provinces shall be free of duty on exportation, and such as being foreign, shall have paid duty on importation into Spain, shall have it restored to exporters.

"These foreign articles, thus exported, to pay a duty of three per. cent. on entry into those provinces. Those which are not foreign to be free of duty.

"The articles exported from those provinces to Spain to be free of duty, whether consumed in Spain or re-exported to foreign countries.

"Those Spanish vessels which, having gone from Spain to those provinces, should desire to bring back productions from thence directly to the foreign ports of Europe, may do it on paying a duty of exportation of three per. cent.

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"All vessels, both Spanish and foreign, sailing to those provinces, to be prohibited from touching at any other port in His Majesty's American Dominions.

"No vessel to be fitted out from New Orleans, Pensacola, or St. Augustine for any of the Spanish islands or other Dominions in America, except for some urgent cause, in which only the respective Governors to give a permission, but without allowing any other articles to be embarked than the productions of those provinces.

"All foreign vessels purchased by His Majesty's subjects, and destined for this commerce, to be exempted from those duties to which they are at present subjected, they proving that they are absolute and sole proprietors thereof."

He takes this occasion to note an act of the British Parliament of the 28 George III., chap. 6, which, though passed before the epoch to which his report aforesaid related, had escaped his researches. The effect of it was to convert the proclamations regulating our direct intercourse with their West Indian Islands into a standing law, and so far to remove the unfavorable distinction between us and foreign nations, stated in the report, leaving it, however, in full force as to our circuitous intercourse with the same islands, and as to our general intercourse, direct and circuitous, with Great Britain and all her other Dominions.

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TO DR. ENOCH EDWARDS J. MSS.

PHILADELPHIA, Decr. 30, 1793.

DEAR SIR,—I have to acknolege the receipt of your two favors of July 30th. & Aug. 16. and thank you for the information they contained. We have now assembled a new Congress, being a fuller & more equal representation of the people, and likely I think, to approach nearer to the sentiments of the people in the demonstration of their own. They have the advantage of a very full communication from the Executive of the ground on which we stand with foreign nations. Some very unpleasant transactions have taken place here with Mr. Genet, of which the world will judge, as the correspondence is now in the press; as is also that with mr. Hammond on our points of difference with his nation. Of these you will doubtless receive copies. Had they been out yet, I should have had the pleasure of sending them to you; but to-morrow I resign my office, and two days after set out for Virginia where I hope to spend the remainder of my days in occupations infinitely more pleasing than those to which I have sacrificed 18. years of the prime of my life; I might rather say 24. of them.—Our campaign against the Indians has been lost by an unsuccessful effort to effect peace by treaty, which they protracted till the season for action was over. The attack brought on us from the Algerines is a ray from the same centre. I believe we shall endeavor to do ourselves justice in a peaceable and rightful way. We wish to have nothing to do in the present war; but if it is to be forced upon us, I am happy to

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see in the countenances of all but our paper men a mind ready made up to meet it, unwillingly, indeed, but perfectly without fear. No nation has strove more than we have done to merit the peace of all by the most rigorous impartiality to all.—Sr John Sinclair's queries shall be answered from my retirement. I am, with great esteem, dear Sir, your most obedient servant.

TO THE FRENCH MINISTER
(EDMOND CHARLES GENET)

PHILADELPHIA, Decr. 31, 1793.

SIR,—I have laid before the President of the United States your letter of the 20th instant, accompanying translations of the instructions given you by the Executive Council of France to be distributed among the members of Congress, desiring that the President will lay them officially before both houses, and proposing to transmit successively other papers, to be laid before them in like manner: and I have it in charge to observe, that your functions as the missionary of a foreign nation here, are confined to the transactions of the affairs of your nation with the Executive of the United States, that the communications, which are to pass between the Executive and Legislative branches, cannot be a subject for your interference, and that the President must be left to judge for himself what matters his duty or the public good may require him to propose to the deliberations of Congress. I have therefore the

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honor of returning you the copies sent for distribution, and of being, with great respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES J. MSS.

PHILADELPHIA, Dec. 31, 1793.

DEAR SIR,—Having had the honor of communicating to you in my letter of the last of July, my purpose of retiring from the office of Secretary of State at the end of the month of September, you were pleased for particular reasons, to wish it's postponement to the close of the year. That term being now arrived, & my propensities to retirement daily more & more irresistible, I now take the liberty of resigning the office into your hands. Be pleased to accept with it my sincere thanks for all the indulgences which you have been so good as to exercise towards me in the discharge of it's duties. Conscious that my need of them has been great, I have still ever found them greater, without any other claim on my part than a firm pursuit of what has appeared to me to be right, and a thorough disdain of all means which were not as open & honorable, as their object was pure. I carry into my retirement a lively sense of your goodness, & shall continue gratefully to remember it. With very sincere prayers for your life, health and tranquility, I pray you to accept the homage of the great & constant respect & attachment with which I have the honor to be Dear Sir your most obedient &c.

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TO ARCHIBALD STUART [1]

MONTICELLO Jan. 26. 1794.

DEAR SIR,—Your favor of the 22d has been duly received, and, in consequence of it, my manager Mr. Biddle now sets out for the sheep, as the approach of yearning season leaves no time to spare as to them. I could have wished to have made one trip serve for them & the potatoes, but I am advised that the latter would be in danger of freezing on the road. I must therefore, as to them wait for milder weather. I arrived at home on the 15th inst. When I left Philadelphia there was a great dearth of foreign news. Since my arrival here there are rumors favorable to France; but I know nothing particular. The Federal house of Representatives had given some pleasing expectations of their dispositions, by one or two leading votes. However, Mr. Madison's propositions, set for the 13th inst. would be a better proof of the character of the majority. I think the next week's post may bring us some vote or votes on them which may indicate what we are to expect.—Now settled at home as a farmer I shall hope you will never pass without calling, and that you will make this your head quarters whenever you visit the neighborhood. Accept sincere *assurances* of my friendship & respect.

TO EDMUND RANDOLPH J. MSS.

MONTICELLO, Feb. 3, 1794.

DEAR SIR,—I have to thank you for the transmission of the letters from Genl Gates, La Motte, &

[1] From the original in the possession of the Virginia Historical Society.

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Hauterive. I perceive by the latter, that the partisans of the one or the other principle (perhaps of both) have thought my name a convenient cover for declarations of their own sentiments. What those are to which Hauterive alludes, I know not, having never seen a newspaper since I left Philadelphia (except those of Richmond) and no circumstances authorize him to expect that I should inquire into them, or answer him. I think it is Montaigne who has said, that ignorance is the softest pillow on which a man can rest his head. I am sure it is true as to everything political, and shall endeavor to estrange myself to everything of that character. I indulge myself on one political topic only, that is, in declaring to my countrymen the shameless corruption of a portion of the representatives to the 1st & 2d Congresses and their implicit devotion to the treasury. I think I do good in this, because it may produce exertions to reform the evil, on the success of which the form of the government is to depend. * * *

At Richmond, our market, no property of any form, would command money even before the interruption of business by the smallpox. Produce might be bartered at a low price for goods at a high one. One house alone bought wheat at all, & that on credit. I take this to be the habitual state of the markets on James river, to which shortlived exceptions have existed when some particular cash commission for purchases has been received from abroad. I know not how it is on the other rivers, & therefore say nothing as to them.

This is the first letter I have written to Philadel-

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phia since my arrival at home, & yours the only ones I have received.

TO JAMES MADISON J. MSS.

MONTICELLO, Feb. 15, 1794.

DEAR SIR,—We are here in a state of great quiet, having no public news to agitate us. I have never seen a Philadelphia paper since I left that place, nor learnt anything of later date except some successes of the French the account of which seemed to have come by our vessel from Havre. It was said yesterday at our court that Genet was to be recalled: however nobody could tell how the information came. We have been told that mr. Smith's speech & your's also on your propositions have got into Davis's papers, but none of them have reached us. I could not have supposed, when at Philadelphia, that so little of what was passing there could be known even at Kentucky, as is the case here. Judging from this of the rest of the Union, it is evident to me that the people are not in a condition either to approve or disapprove of their government, nor consequently influence it. * * *

TO JAMES MONROE J. MSS.

MONTICELLO Mar. 11, 1794.

DEAR SIR,—The small pox at Richmond has cut off the communication by post to or through that place. I should have thought it duty to have removed his office a little way out of town, that the

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communication might not have been interrupted, instead of that it is said the inhabitants of the country are to be prosecuted because they thought it better to refuse a passage to his postriders than take the smallpox from them. Straggling travellers who have ventured into Rich^{md} now and then leave a newspaper with Col^{o} Bell. Two days ago we got that with the debates on the postponement of mr. Madison's propositions. I have never received a letter from Philadelphia since I left it except a line or two from E. R. There is much enquiry for the printed correspondence with Hammond, of which no copy had come to Richmond some days ago. We have heard of one at Staunton.

Our winter was mild till the middle of January, but since the 22^{d} of that month (when my observations begun) it has been 23. mornings out of 49. below the freezing point, and once as low as 14°. It has also been very wet. Once a snow of 6. I. which lay 5. days, and lately a snow of 4. I. which laid on the plains 4. days. There have been very few ploughing days since the middle of January, so that the farmers were never backwarder in their preparations. Wheat we are told is from 5/6 to 6/ at Richmond, but whether cash can be got for it I have not heard. At Milton it is 4/6 payable in goods only at from 50. to 100. per cent above the Philadelphia prices, which renders the wheat worth in fact half a dollar. I do not believe that 1000 bushels of wheat could be sold at Milton & Charlottesville for 1/ a bushel cash. Such is the present scarcity of cash here, & the general wretched situation of commerce in this coun-

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try. We are told that the market for wheat at Richmond will cease on the departure of the French fleet. * * *

TO JAMES MADISON MAD. MSS.

MONTICELLO, Apr. 3, 1794.

DEAR SIR,—Our post having ceased to ride ever since the inoculation began in Richmond, till now, I received three days ago, & all together, your friendly favors of March the 2d. 9. 12. 14. and Colo. Monroe's of Mar. the 3. & 16. I have been particularly gratified by the receipt of the papers containing yours & Smith's discussion of your regulating propositions. These debates had not been seen here but in a very short & mutilated form. I am at no loss to ascribe Smith's speech to it's true father. Every tittle of it is Hamilton's except the introduction. There is scarcely anything there which I have not heard from him in our various private tho' official discussions. The very turn of the arguments is the same, and others will see as well as myself that the style is Hamilton's. The sophistry is too fine, too ingenious, even to have been comprehended by Smith, much less devised by him. His reply shews he did not understand his first speech, as its general inferiority proves it's legitimacy, as evidently as it does the bastardy of the original. You know we had understood that Hamilton had prepared a counter report, & that some of his humble servants in the Senate were to move a reference to him in order to produce it. But I suppose they thought it would have a better effect if fired off in the H. of Representatives.

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I find the Report, however, so fully justified, that the anxieties with which I left it are perfectly quieted. In this quarter, all espouse your propositions with ardor, & without a dissenting voice. The rumor of a declaration of war has given an opportunity of seeing, that the people here, tho' attentive to the loss of value of their produce in such an event, yet find in it a gratification of some other passions, & particularly of their ancient hatred to Gr. Britain. Still, I hope it will not come to that: but that the proposition will be carried, and justice be done ourselves in a peaceable way. As to the guarantee of the French islands, whatever doubts may be entertained of the moment at which we ought to interpose, yet I have no doubt but that we ought to interpose at a proper time, and declare both to England & France that these islands are to rest with France, and that we will make a common cause with the latter for that object.—As to the naval armament, the land armament, & the Marine fortifications which are in question with you, I have no doubt they will all be carried. Not that the monocrats & paper men in Congress want war; but they want armies & debts: and tho' we may hope that the sound part of Congress is now so augmented as to insure a majority in cases of general interest merely, yet I have always observed that in questions of expense, where members may hope either for offices or jobs for themselves or their friends, some few will be debauched, & that is sufficient to turn the decision where a majority is, at most, but small. I have never seen a Philadelphia paper since I left it, till

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those you enclosed me; and I feel myself so thoroughly weaned from the interest I took in the proceedings there, while there, that I have never had a wish to see one, and believe that I never shall take another newspaper of any sort. I find my mind totally absorbed in my rural occupations. * * *

TO JAMES MONROE MON. MSS.

MONTICELLO Apr. 24. 94.

I wrote to Mr. Madison on the 3d inst. Since that I have received his of Mar. 24. 26. 31. & Apr. 14. and yours of Mar. 26. 31 & Apr. 2. which had been accumulating in the post office of Richmond. The spirit of war has grown much stronger in this part of the country, as I can judge of myself, and in other parts along the mountains from N. E. to S. W. as I have had opportunities of learning by enquiry. Some few very quiet people, not suffering themselves to be inflamed as others are by kicks & cuffs Gt. Britain has been giving us, express a wish to remain in peace. But the mass of thinking men seem to be of opinion that we have borne as much as to invite eternal insults in future should not a very spirited conduct be now assumed. For myself, I wish for peace, if it can be preserved, *salvâ fide et honore*. I learn by your letters & mr. Madison's that a special mission to England is meditated, & H. the missionary. A more degrading measure could not have been proposed: and why is Pinckney to be recalled? For it is impossible he should remain there after such a testimony that he is not confided in. I suppose they think him

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not thorough fraud enough: I suspect too the mission, besides the object of placing the aristocracy of this country under the patronage of that government, has in view that of withdrawing H. from the disgrace & the public execrations which sooner or later must fall on the man who partly by erecting fictitious debt, partly by volunteering in the payment of the debts of others, who could have paid them so much more conveniently themselves, has alienated for ever all our ordinary & easy resources, & will oblige us hereafter to extraordinary ones for every little contingency out of the common line: and who has lately brought the P. forward with manifestations that the business of the treasury had got beyond the limits of his comprehension:—Let us turn to more pleasing themes.

TO JOHN ADAMS J. MSS.

MONTICELLO, Apr. 25, 1794.

DEAR SIR,—I am to thank you for the book you were so good as to transmit me, as well as the letter covering it, and your felicitations on my present quiet. The difference of my present & past situation is such as to leave me nothing to regret, but that my retirement has been postponed four years too long. The principles on which I calculate the value of life, are entirely in favor of my present course. I return to farming with an ardor which I scarcely knew in my youth, and which has got the better entirely of my love of study. Instead of writing 10. or 12. letters a day, which I have been in the habit of doing

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as a thing of course, I put off answering my letters now, farmer-like, till a rainy day, & then find it sometimes postponed by other necessary occupations. The case of the Pays de Vaud is new to me. The claims of both parties are on grounds which, I fancy, we have taught the world to set little store by. The rights of one generation will scarcely be considered hereafter as depending on the paper transactions of another. My countrymen are groaning under the insults of Gr Britain. I hope some means will turn up of reconciling our faith & honor with peace. I confess to you I have seen enough of one war never to wish to see another. With wishes of every degree of happiness to you, both public & private, and with my best respects to mrs. Adams, I am, your affectionate & humble servant.

TO JOHN TAYLOR J. MSS.

MONTICELLO May 1, 1794.

DEAR SIR,—In my new occupation of a farmer I find a good drilling machine indispensably necessary. I remember your recommendation of one invented by one of your neighbors; & your recommendation suffices to satisfy me with it. I must therefore beg of you to desire one to be made for me, & if you will give me some idea of it's bulk, & whether it could travel here on it's own legs, I will decide whether to send express for it, or get it sent around by Richmond. Mention at the same time the price of it & I will have it put in your hands.—I remember I showed you, for your advice, a plan of a rotation of crops

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which I had contemplated to introduce into my own lands. On a more minute examination of my lands than I had before been able to take since my return from Europe, I find their degradation by ill-usage much beyond what I had expected, & at the same time much more open land than I had calculated on. One of these circumstances forces a milder course of cropping on me, & the other enables me to adopt it. I drop therefore two crops in my rotation, & instead of 5. crops in 8. years take 3. in 6. years, in the following order. 1. wheat. 2. corn & potatoes in the strongest moiety, potatoes alone or peas alone in the other moiety according to it's strength. 3. wheat or rye. 4. clover. 5. clover. 6. folding & buckwheat dressing. In such of my fields as are too much worn for clover, I propose to try S^t^foin, which I know will grow in the poorest land, bring plentiful crops, & is a great ameliorator. It is for this chiefly I want the drilling machine as well as for Lucerne. My neighbors to whom I had distributed some seed of the Succory critybus, bro't from France by Young, & sent to the President, are much pleased with it. I am trying a patch of it this year.—This drops from the tip of Lazarus' finger to cool your tongue. I have thought even father Abraham would approve. He refused it to Dives in the common hall, but in yours he could not do it. Pray let me have a copy of the pamphlet published on the subject of the bank. Not even the title of it has ever been seen by my neighbors. My best affections to the sound part of our representation in both houses, which I calculate to be 19/20th. Adieu. Your's affectionately.

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TO TENCH COXE J. MSS.

MONTICELLO, May 1, 1794.

DEAR SIR,—Your several favors of Feb. 22, 27, & March 16. which had been accumulating in Richmond during the prevalence of the small pox in that place, were lately brought to me, on the permission given the post to resume his communication. I am particularly to thank you for your favor in forwarding the Bee. Your letters give a comfortable view of French affairs, and later events seem to confirm it. Over the foreign powers I am convinced they will triumph completely, & I cannot but hope that that triumph, & the consequent disgrace of the invading tyrants, is destined, in the order of events, to kindle the wrath of the people of Europe against those who have dared to embroil them in such wickedness, and to bring at length, kings, nobles, & priests to the scaffolds which they have been so long deluging with human blood. I am still warm whenever I think of these scoundrels, tho I do it as seldom as I can, preferring infinitely to contemplate the tranquil growth of my lucerne & potatoes. I have so completely withdrawn myself from these spectacles of usurpation & misrule, that I do not take a single newspaper, nor read one a month; & I feel myself infinitely the happier for it. We are alarmed here with the apprehensions of war; and sincerely anxious that it may be avoided; but not at the expense either of our faith or honor. It seems much the general opinion here, that the latter has been too much wounded not to require reparation, & to seek it even in war, if that be necessary. As to myself, I love

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peace, and I am anxious that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer. I love, therefore, mr. Clarke's proposition of cutting off all communication with the nation which has conducted itself so atrociously. This, you will say, may bring on war. If it does, we will meet it like men; but it may not bring on war, & then the experiment will have been a happy one. I believe this war would be vastly more unanimously approved than any one we ever were engaged in; because the aggressions have been so wanton & bare-faced, and so unquestionably against our desire.—I am sorry mr. Cooper & Priestly did not take a more general survey of our country before they fixed themselves. I think they might have promoted their own advantage by it, and have aided the introduction of our improvement where it is more wanting. The prospect of wheat for the ensuing year is a bad one. This is all the sort of news you can expect from me. From you I shall be glad to hear all sort of news, & particularly any improvements in the arts applicable to husbandry or household manufacture.

TO GEORGE WASHINGTON J. MSS.

MONTICELLO, May 14, 1794.

DEAR SIR,—I am honored with your favor of Apr. 24. and received, at the same time, mr. Bertrand's agricultural Prospectus. Tho' he mentions my

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having seen him at a particular place, yet I remember nothing of it, and observing that he intimates an application for lands in America, I conceive his letter meant for me as Secretary of state, & therefore I now send it to the Secretary of state. He has given only the heads of his demonstrations, so that nothing can be conjectured of their details. Ld Kaims once proposed an essence of dung, one pint of which should manure an acre. If he or mr. Bertrand could have rendered it so portable, I should have been one of those who would have been greatly obliged to them. I find on a more minute examination of my lands than the short visits heretofore made to them permitted, that a 10. years' abandonment of them to the unprincipled ravages of overseers, has brought on a degree of degradation far beyond what I had expected. As this obliges me to adopt a milder course of cropping, so I find that they have enabled me to do it, by having opened a great deal of lands during my absence. I have therefore determined on a division of my farms into 6. fields, to be put under this rotation: 1st. year, wheat; 2d., corn, potatoes, peas; 3d., rye or wheat, according to circumstances; 4th. & 5th., clover where the fields will bring it, & buckwheat dressings where they will not; 6th, folding, and buckwheat dressings. But it will take me from 3. to. 6. years to get this plan underway. I am not yet satisfied that my acquisition of overseers from the head of Elk has been a happy one, or that much will be done this year towards rescuing my plantation from their wretched condition. Time, patience & perseverance must be the remedy; and

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the maxim of your letter, "slow & sure," is not less a good one in agriculture than in politics. I sincerely wish it may extricate us from the event of a war, if this can be done saving our faith and our rights. My opinion of the British government is, that nothing will force them to do justice but the loud voice of their people, & that this can never be excited but by distressing their commerce. But I cherish tranquillity too much, to suffer political things to enter my mind at all. I do not forget that I owe you a letter for mr. Young; but I am waiting to get full information. With every wish for your health & happiness, & my most friendly respects for mrs. Washington, I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO JAMES MADISON J. MSS.

MONTICELLO, May 15. 1794.

DEAR SIR,—I wrote you on the 3d. of April, and since that have received yours of Mar. 24. 26. 31. Apr. 14. & 28. and yesterday I received Colo Monroe's of the 4th. inst, informing me of the failure of the Non-importation Bill in the Senate. This body was intended as a check on the will of the Representatives when too hasty. They are not only that, but completely so on the will of the people also; and in my opinion are heaping coals of fire, not only on their persons, but on their body, as a branch of the legislature. I have never known a measure more universally desired by the people than the passage of that bill. It is not from my own observation of the wishes of

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the people that I would decide what they are, but from that of the gentlemen of the bar, who move much with them, & by their intercommunications with each other, have, under their view, a greater portion of the country than any other description of men. It seems that the opinion is fairly launched into public that they should be placed under the control of a more frequent recurrence to the will of their constituents. This seems requisite to compleat the experiment, whether they do more harm or good? I wrote lately to mr. Taylor for the pamphlet on the bank. Since that I have seen the "Definition of parties," and must pray you to bring it for me. It is one of those things which merits to be preserved. —The safe arrival of my books at Richmond, & some of them at home, has relieved me from anxiety, & will not be indifferent to you. It turns out that our fruit has not been as entirely killed as was at first apprehended; some latter blossoms have yielded a small supply of this precious refreshment. I was so improvident as never to have examined at Philadelphia whether negro cotton & oznabrigs can be had there; if you do not already possess the information, pray obtain it before you come away. Our spring has, on the whole, been seasonable; & the wheat has much recovered as it's thinness would permit; but the crop must still be a miserable one. There would not have been seed made but for the extraordinary rains of the last month. Our highest heat as yet has been 83. this was on the 4th. inst. That Blake should not have arrived at the date of your letter surprises me; pray inquire into that fact

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before you leave Philadelphia. According to Colo Monroe's letter this will find you on the point of departure. I hope we shall see you here soon after your return. Remember me affectionately to Colo & mrs. Monroe, and accept the sincere esteem of, dear Sir, your sincere friend and servant.

TO THE SECRETARY OF STATE (EDMUND RANDOLPH) J. MSS.

MONTICELLO, Sep 7, 1794.

DEAR SIR,—Your favor of Aug 28. finds me in bed, under a paroxysm of the Rheumatism which has now kept me for ten days in constant torment, & presents no hope of abatement. But the express & the nature of the case requiring immediate answer, I write to you under this situation. No circumstances, my dear Sir, will ever more tempt me to engage in anything public. I thought myself perfectly fixed in this determination when I left Philadelphia, but every day & hour since has added to it's inflexibility. It is a great pleasure to me to retain the esteem & approbation of the President, and forms the only ground of any reluctance at being unable to comply with every wish of his. Pray convey these sentiments, & a thousand more to him, which my situation does not permit me to go into. But however suffering by the addition of every single word to this letter, I must add a solemn declaration that neither Mr. J.[1] nor mr. —— ever mentioned to me one word

[1] Probably an allusion to Jaudenes and Viar, the Commissioners from Spain.

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of any want of decorum in mr. Carmichael, nor anything stronger or more special than stated in my notes of the conversation. Excuse my brevity, my dear Sir, and accept assurances of the sincere esteem & respect with which I have the honor to be, your affectionate friend and servant.

TO WILSON CARY NICHOLAS J. MSS.

MONTICELLO, NOV. 22, 1794.

DEAR SIR,—I take the liberty of enclosing for your perusal & consideration a proposal from a mr. D'Ivernois, a Genevan, of considerable distinction for science and patriotism, & that, too, of the republican kind, tho you will see that he does not carry it so far as our friends of the National Assembly of France. While I was at Paris, I knew him as an exile from his democratic principles, the aristocracy having then the upper hand in Geneva. He is now obnoxious to the democratic party. The sum of his proposition is to translate the academy of Geneva in a body to this country. You know well that the colleges of Edinburgh & Geneva, as seminaries of science, are considered as the two eyes of Europe; While Great Britain & America give the preference to the former, all other countries give it to the latter. I am fully sensible that two powerful obstacles are in the way of this proposition. 1st. The expense: 2dly. The communication of science in foreign languages; that is to say, in French or Latin; but I have been so long absent from my own country as to

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be an incompetent judge either of the force of the objections, or of the dispositions of those who are to decide on them. The respectability of mr. D'Ivernois' character, & that, too, of the proposition, require an answer from me, and that it should be given on due inquiry. He desires secrecy to a certain degree for the reasons which he explains. What I have to request of you, my dear Sir, is, that you will be so good as to consider his proposition, to consult on it's expediency and practicability with such gentlemen of the Assembly as you think best, & take such other measures as you shall find eligible to discover what would be the sense of that body, were the proposition to be hazarded to them. If yourself & friends approve of it, and think there is hope that the Assembly would do so, your zeal for the good of our country in general, & the promotion of science, as an instrument towards that, will, of course, induce you and them to bring it forward in such a way as you shall judge best. If, on the contrary, you disapprove of it yourselves, or think it would be desperate with the Assembly, be so good as to return it to me with such information as I may hand forward to mr. D'Ivernois, to put him out of suspense. Keep the matter by all means out of the public papers, and particularly, if you please, do not couple my name with the proposition if brought forward, because it is much my wish to be in nowise implicated in public affairs. It is necessary for me to appeal to all my titles for giving you this trouble, whether founded in representation, patriotism or friendship. The last, however, as the broadest, is that on which I wish to

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rely, being with sentiments of very cordial esteem, dear Sir, your sincere friend and humble servant.

TO WILLIAM BRANCH GILES J. MSS.

MONTICELLO Dec. 17, 94.

DEAR SIR,—I have made mr Bannisters' affair the subject of a separate letter, containing a full explanation of it, because by giving in the letter it will give you no other trouble. I will only add here, what would have been too urging if expressed there that if any thing be said of early paiment, I would rather be allowed to draw on any one there for the money than have it sent here.

The attempt which has been made to restrain the liberty of our citizens meeting together, interchangeing sentiments on what subjects they please, & stating their sentiments in the public papers, has come upon us a full century earlier than I expected. To demand the censors of public measures to be given up for punishment is to renew the demand of the wolves in the fable that the sheep should give up their dogs as hostages of the peace & confidence established between them. The tide against our constitution is unquestionably strong, but it will turn. Every thing tells me so, and every day verifies the prediction. Hold on then like a good & faithful seaman till our brother-sailors can rouse from their intoxication & right the vessel.—Make friends with the trans-Alleganians. They are gone if you do not. Do not let false pride make a tea-act of your excise-law. Adieu. Yours affectionately.

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TO JAMES MADISON MAD. MSS.

MONTICELLO, Dec. 28, 1794.

DEAR SIR,—I have kept mr. Jay's letter a post or two, with an intention of considering attentively the observation it contains; but I have really now so little stomach for anything of that kind, that I have not resolution enough even to endeavor to understand the observations. I therefore return the letter, not to delay your answer to it, and beg you in answering for yourself to assure him of my respects and thankful acceptance of Chalmers' Treaties, which I do not possess, and if you possess yourself of the scope of his reasoning, make any answer to it you please for me. If it had been on the rotation of my crops, I would have answered myself, lengthily perhaps, put certainly *con gusto*.

The denunciation of the democratic societies is one of the extraordinary acts of boldness of which we have seen so many from the fraction of monocrats. It is wonderful indeed, that the President should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing & publishing. It must be a matter of rare curiosity to get at the modifications of these rights proposed by them, and to see what line their ingenuity would draw between democratical societies, whose avowed object is the nourishment of the republican principles of our constitution, and the society of the Cincinnati, *a self-created* one, carving out for itself hereditary distinctions, lowering over our Constitution eternally, meeting together in all parts of the Union, periodically, with closed doors, ac-

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cumulating a capital in their separate treasury, corresponding secretly & regularly, & of which society the very persons denouncing the democrats are themselves the fathers, founders, & high officers. Their sight must be perfectly dazzled by the glittering of crowns & coronets, not to see the extravagance of the proposition to suppress the friends of general freedom, while those who wish to confine that freedom to the few, are permitted to go on in their principles & practices. I here put out of sight the persons whose misbehavior has been taken advantage of to slander the friends of popular rights; and I am happy to observe, that as far as the circle of my observation & information extends, everybody has lost sight of them, and views the abstract attempt on their natural & constitutional rights in all it's nakedness. I have never heard, or heard of, a single expression or opinion which did not condemn it as an inexcusable aggression. And with respect to the transactions against the excise law, it appears to me that you are all swept away in the torrent of governmental opinions, or that we do not know what these transactions have been. We know of none which, according to the definitions of the law, have been anything more than riotous. There was indeed a meeting to consult about a separation. But to consult on a question does not amount to a determination of that question in the affirmative, still less to the acting on such a determination; but we shall see, I suppose, what the court lawyers, & courtly judges, & would-be ambassadors will make of it. The excise law is an infernal one. The first

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error was to admit it by the Constitution; the 2d., to act on that admission; the 3d & last will be, to make it the instrument of dismembering the Union, & setting us all afloat to chuse which part of it we will adhere to. The information of our militia, returned from the Westward, is uniform, that tho the people there let them pass quietly, they were objects of their laughter, not of their fear; that 1000 men could have cut off their whole force in a thousand places of the Alleganey; that their detestation of the excise law is universal, and has now associated to it a detestation of the government; & that separation which perhaps was a very distant & problematical event, is now near, & certain, & determined in the mind of every man. I expected to have seen some justification of arming one part of the society against another; of declaring a civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient of the kicks & scoffs of our enemies, & rising at a feather against our friends; of adding a million to the public debt & deriding us with recommendations to pay it if we can &c., &c. But the part of the speech which was to be taken as a justification of the armament, reminded me of parson Saunder's demonstration why minus into minus make plus. After a parcel of shreds of stuff from Æsop's fables, and Tom Thumb, he jumps all at once into his Ergo, minus multiplied into minus make plus. Just so the 15,000 men enter after the fables, in the speech. —However, the time is coming when we shall fetch up the leeway of our vessel. The changes in your

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house, I see, are going on for the better, and even the Augean herd over your heads are slowly purging off their impurities. Hold on then, my dear friend, that we may not shipwreck in the meanwhile. I do not see, in the minds of those with whom I converse, a greater affliction than the fear of your retirement; but this must not be, unless to a more splendid & a more efficacious post. There I should rejoice to see you; I hope I may say, I shall rejoice to see you. I have long had much in my mind to say to you on that subject. But double delicacies have kept me silent. I ought perhaps to say, while I would not give up my own retirement for the empire of the universe, how I can justify wishing one whose happiness I have so much at heart as yours, to take the front of the battle which is fighting for my security. This would be easy enough to be done, but not at the heel of a lengthy epistle. * * *

NOTES FOR A CONSTITUTION [1] J. MSS.

Every male citizen of the commonwealth liable to taxes or to militia duty in any county shall have a right to vote for representatives for that county to the legislature. The legislature shall provide that returns be made to themselves periodically of the qualified voters in every county, by their name and qualification.[2] ~~The legislature shall consist of not~~

[1] These rough notes are without date, but the paper is watermarked 1794.

[2] On the margin is written the following:

"The legislature to provide for having periodical returns to them of the qualified electors of every county, to wit, every *man* of full age

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~~less than 150 nor more that 300 representatives,~~ and from the whole number of qualified voters in the commonwealth such an Unit of representation shall from time to time be taken as will keep the number of representatives within the limits of 150 and 300 allowing to every county. ~~Every county shall send~~ a representative for every Unit & fraction ~~exceeding~~ of more than half an Unit ~~as actually votes at the election so as not to exceed the number of representatives last allowed to it by the legislature~~ it contains.

Every elector may vote for as many representatives as were ~~allowed~~ apportioned by the legislature to his county at the last establishment of the Unit. ~~But to many representatives no person actually receiving fewer votes than the Unit shall be deemed elected, except that where more than half and less than the whole unit vote.~~ But so many only shall be deemed elected as there are Units actually voting on that particular election, adding one for any fraction of votes exceeding the half Unit. Nor shall more be deemed elected than the number last apportioned. If a county has not a half unit of

who pays taxes to govrnt. or is of militia. From the whole number of qualified electors in the state, an Unit of representation to be obtained, and every county to send a representative for every Unit or fraction exceeding an half Unit which actually votes at the election. If a county has not an half Unit, add its votes to another.

"The Unit to be taken from time to time that the Legislature may consist of not less than *150* nor more than 300.

"The legislature to be divided weekly by lot into 2 chambers, so that the representatives of every county may be as equally divided between the chambers as integral odd numbers will admit.

"The two chambers to proceed as distinct branches of the Legislature."

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votes, the legislature shall incorporate its votes with those of some adjoining county.

Older electors presenting themselves shall be received to vote before younger one, & the legislature shall provide for the secure and convenient claim and exercise of this privilege of age.

The legislature shall consist of the representatives to be chosen as before provided. Their acts shall not be affected by any excess or defect of numbers taking place between two periodical settlements of the Unit.

The legislature shall form one house only for the verification of their credentials, or for what relates to their privileges. For all other business they shall be separated by lot into two chambers, which shall be called [a & w] on the first day of their session in every week; which separation shall be effected by presenting to the representatives from each county separately a number of lots equal to their own number, if it be an even one or to the next even number above, if their number be odd, one half of which lots shall be distinctively marked for the one chamber & the other half for the other, & each number shall be, for that week, of the chamber whose lot he draws. Members not present at the first drawing for the week shall draw on their first attendance after.

Each chamber shall appoint a speaker for the session & ~~the two speakers~~ it shall be weekly decided by lot between the two speakers, of which chamber each shall be for the ensuing week; and the chamber to which he is allotted shall have one the less in the lots presented to his colleagues for that week. Print-

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ing presses shall be free except as to false facts published maliciously either to injure the reputation of another, whether followed by pecuniary damage or not, or to expose him to the punishment of the law.

The legislature shall have power to establish by law the disqualification of representatives or other officers.

TO JAMES MADISON J. MSS.

MONTICELLO, Feb. 5, 95.

DEAR SIR,—* * * We have had about 4. weeks of winter weather, rather hard for our climate—many little snows which did not lay 24. hours & one 9.I. deep which remained several days. We have had but few thawing days during the time.—It is generally feared here that your collegue F. Walker will be in great danger of losing his election. His competitor is indefatigable attending courts &c., and wherever he is, there is a general drunkenness observed, tho' we do not know that it proceeds from his purse.—Wilson Nicholas is attacked also in his election. The ground on which the attack is made is that he is a speculator. The explanations which this has produced, prove it a serious crime in the eyes of the people. But as far as I hear he is only investing the profits of a first & only speculation.—Almost every carriage-owner has been taken in for a double tax: information through the newspapers not being actual, tho' legal, in a country where they are little read. This circumstance has made almost every man, so taken in, a personal enemy to the tax. I escaped the penalty only by sending an express

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over the country to search out the officer the day before the forfeiture would have been incurred.— We presume you will return to Orange after the close of the session & hope the pleasure of seeing mrs. Madison & yourself here. I have past my winter almost alone, mr & mrs Randolph being at Varina. Present my best respects to mrs Madison, & accept them affectionately yourself.

TO M. D'IVERNOIS J. MSS.

MONTICELLO, IN VIRGINIA, Feb. 6, 1795.

DEAR SIR,—Your several favors on the affairs of Geneva found me here, in the month of December last. It is now more than a year that I have withdrawn myself from public affairs, which I never liked in my life, but was drawn into by emergencies which threatened our country with slavery, but ended in establishing it free. I have returned, with infinite appetite, to the enjoyment of my farm, my family & my books, and had determined to meddle in nothing beyond their limits. Your proposition, however, for transplanting the college of Geneva to my own country, was too analogous to all my attachments to science, & freedom, the first-born daughter of science, not to excite a lively interest in my mind, and the essays which were necessary to try it's practicability. This depended altogether on the opinions & dispositions of our State legislature, which was then in session. I immediately communicated your papers to a member of the legislature, whose abilities & zeal pointed him out as proper for it, urging him to sound

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as many of the leading members of the legislature as he could, & if he found their opinions favorable, to bring forward the proposition; but if he should find it desperate, not to hazard it; because I thought it best not to commit the honor either of our State or of your college, by an useless act of eclat. It was not till within these three days that I have had an interview with him, and an account of his proceedings. He communicated the papers to a great number of the members, and discussed them maturely, but privately, with them. They were generally well-disposed to the proposition, and some of them warmly; however, there was no difference of opinion in the conclusion, that it could not be effected. The reasons which they thought would with certainty prevail against it, were 1. that our youth, not familiarized but with their mother tongue, were not prepared to receive instructions in any other; 2d. that the expence of the institution would excite uneasiness in their constituents, & endanger it's permanence; & 3. that it's extent was disproportioned to the narrow state of the population with us. Whatever might be urged on these several subjects, yet as the decision rested with others, there remained to us only to regret that circumstances were such, or were thought to be such, as to disappoint your & our wishes. I should have seen with peculiar satisfaction the establishment of such a mass of science in my country, and should probably have been tempted to approach myself to it, by procuring a residence in it's neighborhood, at those seasons of the year at least when the operations of agriculture

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are less active and interesting. I sincerely lament the circumstances which have suggested this emigration. I had hoped that Geneva was familiarized to such a degree of liberty, that they might without difficulty or danger fill up the measure to its maximum; a term, which, though in the insulated man, bounded only by his natural powers, must, in society, be so far restricted as to protect himself against the evil passions of his associates, & consequently, them against him. I suspect that the doctrine, that small States alone are fitted to be republics, will be exploded by experience, with some other brilliant fallacies accredited by Montesquieu & other political writers. Perhaps it will be found, that to obtain a just republic (and it is to secure our just rights that we resort to government at all) it must be so extensive as that local egoisms may never reach it's greater part; that on every particular question, a majority may be found in it's councils free from particular interests, and giving, therefore, an uniform prevalence to the principles of justice. The smaller the societies, the more violent & more convulsive their schisms. We have chanced to live in an age which will probably be distinguished in history, for it's experiments in government on a larger scale than has yet taken place. But we shall not live to see the result. The grosser absurdities, such as hereditary magistracies, we shall see exploded in our day, long experience having already pronounced condemnation against them. But what is to be the substitute? This our children or grand children will answer. We may be satisfied with the certain

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knowledge that none can ever be tried, so stupid, so unrighteous, so oppressive, so destructive of every end for which honest men enter into government, as that which their forefathers had established, & their fathers alone venture to tumble headlong from the stations they have so long abused. It is unfortunate, that the efforts of mankind to recover the freedom of which they have been so long deprived, will be accompanied with violence, with errors, & even with crimes. But while we weep over the means, we must pray for the end.—But I have been insensibly led by the general complexion of the times, from the particular case of Geneva, to those to which it bears no similitude. Of that we hope good things. Its inhabitants must be too much enlightened, too well experienced in the blessings of freedom and undisturbed industry, to tolerate long a contrary state of things. I shall be happy to hear that their government perfects itself, and leaves room for the honest, the industrious & wise; in which case, your own talents, & those of the persons for whom you have interested yourself, will, I am sure, find welcome & distinction. My good wishes will always attend you, as a consequence of the esteem & regard with which I am, Dear Sir, your most obedient & most humble servant.

TO JAMES BROWN [1]

MONTICELLO Apl 18. 95.

DEAR SIR,—I received a few days ago your kind favor of Mar 14. The object of my letter had been

[1] From a copy courteously furnished by Col. C. C. Jones, of Augusta, Ga.

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not at all a retardation of the paiment I had promised you during the present & ensuing month, but as my crop of tob° was much short of what was usual, it was merely to see how far my next best article of produce, to wit, nails, could take its place with you. I have had 9 hammers at work for you for some time past. We have of nails on hand & credits to go to your benefit about £80. and some time in the next month shall have enough for the balance. If I cannot sell them for cash here, I will send them to Richmond to be converted into cash there so as to be in time for my engagement.

1382
1362
1138.
1196.
1360.
1426
1240
1294
1386
1348
1280
1346
———
15.758.

In the margin are the weights of my tob° (only 12 hhds) now in Richmond, averaging 1313 lbs. I am offered here 4/ above the present market price. But you shall certainly have a preference on equal terms to any other purchaser. As I shall not go to Richmond myself, I must ask you by letter your highest price. You know I have an established privilege of being considerably above the market. I must tell you at the same time that the quality of the last year's crop is inferior, but still mine preserving its comparative superiority, stands on its usual ground with respect to others. Let me have your ultimatum, if you please, by the post after next, say that which leaves Richmond the 3d of May, till which time I will reserve myself here.

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TO ARCHIBALD STUART [1]

MONTICELLO Apl. 18. 95

DEAR SIR—I did not receive your favor of the 7th till the 17th inst. consequently you had then passed on to New London. I could not learn that your brother was in the neighborhood. I inclose you a copy of an advertisement I had thought some time ago of putting in the public papers, but did not do it. You will see by that the books I have to dispose of. The last two or three lines of it are not for you, for you may take such of the books as you chuse, and what time of paiment you please. If you meet with any body who will take the whole of the residue I shall be glad of it. I have stated that at the price I offer the whole would be at about 6 Doll average a volume. But if they are separated, being of very unequal values, their respective prices can be proportioned to that sum total, by Worral's catalogue. Hargrave's Coke Littleton for instance cost as much as any 3 or 4 of the other volumes—When I spoke of meeting you on your way to the Bedford court, I did not know that our own district court was exactly at the same time at which I was obliged to attend. This put it out of my power to be in Bedford this month.—With respect to the gentleman whom we expected to see there, satisfy him if you please that there is no remain of disagreeable sentiment towards him on my part.[2] I was once sincerely affectioned towards him and it accords with my philosophy to encourage the tranquillizing passions. Adieu.

[1] From the original in the possession of the Virginia Historical Society.

[2] Patrick Henry.

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TO JAMES MADISON MAD. MSS.

MONTICELLO, Apr 27, 1795.

DEAR SIR,—Your letter of Mar 23. came to hand the 7th of April, and notwithstanding the urgent reasons for answering a part of it immediately, yet as it mentioned that you would leave Philadelphia within a few days, I feared that the answer might pass you on the road. A letter from Philadelphia by the last post having announced to me your leaving that place the day preceding it's date, I am in hopes this will find you in Orange. In mine, to which yours of Mar 23. was an answer, I expressed my hope of the only change of position I ever wished to see you make, and I expressed it with entire sincerity, because there is not another person in the U S. who being placed at the helm of our affairs, my mind would be so completely at rest for the fortune of our political bark. The wish too was pure, & unmixed with anything respecting myself personally. For as to myself, the subject had been thoroughly weighed & decided on, & my retirement from office had been meant from all office high or low, without exception. I can say, too, with truth, that the subject had not been presented to my mind by any vanity of my own. I know myself & my fellow citizens too well to have ever thought of it. But the idea was forced upon me by continual insinuations in the public papers, while I was in office. As all these came from a hostile quarter, I knew that their object was to poison the public mind as to my motives, when they were not able to charge me with facts. But the idea being once presented to me, my own quiet required

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that I should face it & examine it. I did so thoroughly, & had no difficulty to see that every reason which had determined me to retire from the office I then held, operated more strongly against that which was insinuated to be my object. I decided then on those general grounds which could alone be present to my mind at the time, that is to say, reputation, tranquillity, labor; for as to public duty, it could not be a topic of consideration in my case. If these general considerations were sufficient to ground a firm resolution never to permit myself to think of the office, or to be thought of for it, the special ones which have supervened on my retirement, still more insuperably bar the door to it. My health is entirely broken down within the last eight months; my age requires that I should place my affairs in a clear state; these are sound if taken care of, but capable of considerable dangers if longer neglected; and above all things, the delights I feel in the society of my family, and the agricultural pursuits in which I am so eagerly engaged. The little spice of ambition which I had in my younger days has long since evaporated, and I set still less store by a posthumous than present name. In stating to you the heads of reasons which have produced my determination, I do not mean an opening for future discussion, or that I may be reasoned out of it. The question is forever closed with me; my sole object is to avail myself of the first opening ever given me from a friendly quarter (and I could not with decency do it before), of preventing any division or loss of votes, which might be fatal to the Repub-

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lican interest. If that has any chance of prevailing, it must be by avoiding the loss of a single vote, and by concentrating all its strength on one object. Who this should be, is a question I can more freely discuss with anybody than yourself. In this I painfully feel the loss of Monroe. Had he been here, I should have been at no loss for a channel through which to make myself understood; if I have been misunderstood by anybody through the instrumentality of mr. Fenno & his abettors.—I long to see you. I am proceeding in my agricultural plans with a slow but sure step. To get under full way will require 4. or 5. years. But patience & perseverence will accomplish it. My little essay in red clover, the last year, has had the most encouraging success. I sowed then about 40. acres. I have sowed this year about 120. which the rain now falling comes very opportunely on. From 160. to 200. acres, will be my yearly sowing. The seed-box described in the agricultural transactions of New York, reduces the expense of seeding from 6/ to 2/3 the acre, and does the business better than is possible to be done by the human hand. May we hope a visit from you? If we may, let it be after the middle of May, by which time I hope to be returned from Bedford. I had had a proposition to meet mr. Henry there this month, to confer on the subject of a convention, to the calling of which he is now become a convert. The session of our district court furnished me a just excuse for the time; but the impropriety of my entering into consultation on a measure in which I would take no part, is a permanent one.

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Present my most respectful compliments to mrs. Madison, & be assured of the warm attachment of, Dear Sir, yours affectionately.

TO WILLIAM BRANCH GILES J. MSS.

MONTICELLO, Apr 27, 1795.

DEAR SIR,—Your favor of the 16th came to hand by the last post. * * * I sincerely congratulate you on the great prosperities of our two first allies, the French & Dutch. If I could but see them now at peace with the rest of their continent, I should have little doubt of dining with Pichegru in London, next autumn; for I believe I should be tempted to leave my clover for awhile, to go and hail the dawn of liberty & republicanism in that island. I shall be rendered very happy by the visit you promise me. The only thing wanting to make me completely so, is the more frequent society with my friends. It is the more wanting, as I am become more firmly fixt to the glebe. If you visit me as a farmer it must be as a condisciple: for I am but a learner; an eager one indeed, but yet desperate, being too old now to learn a new art. However, I am as much delighted & occupied with it, as if I was the greatest adept. I shall talk with you about it from morning till night, and put you on very short allowance as to political aliment. Now and then a pious ejaculation for the French & Dutch republicans, returning with due despatch to clover, potatoes, wheat, &c. That I may not lose the pleasure promised me, let it not be till

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the middle of May, by which time I shall be returned from a trip I meditate to Bedford. Yours affectionately.

TO M. DE MEUSNIER[1] J. MSS.

MONTICELLO, VIRGINIA, Apr. 29, 95.

DEAR SIR.—Your favor of Mar. 30. from Philadelphia came to my hands a few days ago. That which you mention to have written from London has never been received; nor had I been able to discover what has been your fortune during the troubles of France after the death of the King. Being thoroughly persuaded that under all circumstances your conduct had been entirely innocent & friendly to the freedom of your country, I had hopes that you had not been obliged to quit your own country. Being myself a warm zealot for the attainment & enjoiment by all mankind of as much liberty, as each may exercise without injury to the equal liberty of his fellow citizens, I have lamented that in France the endeavours to obtain this should have been attended with the effusion of so much blood. I was intimate with the leading characters of the year 1789. So I was with those of the Brissotine party who succeeded them: & have always been persuaded that their views were upright. Those who have followed have been less known to me: but I have been willing to hope that they also meant the establishment of a free government in their country, excepting perhaps the party which has

[1] See Vol. V., 3.

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lately been suppressed. The government of those now at the head of affairs appears to hold out many indications of good sense, moderation & virtue; & I cannot but presume from their character as well as your own that you would find a perfect safety in the bosom of your own country. I think it fortunate for the United States to have become the asylum for so many virtuous patriots of different denominations: but their circumstances, with which you were so well acquainted before, enabled them to be but a bare asylum, & to offer nothing for them but an entire freedom to use their own means & faculties as they please. There is no such thing in this country as what would be called wealth in Europe. The richest are but a little at ease, & obliged to pay the most rigorous attention to their affairs to keep them together. I do not mean to speak here of the Beaujons of America. For we have some of these tho' happily they are but ephemeral. Our public œconomy also is such as to offer drudgery and subsistence only to those entrusted with its administration, a wise & necessary precaution against the degeneracy of the public servants. In our private pursuits it is a great advantage that every honest employment is deemed honorable. I am myself a nail-maker. On returning home after an absence of ten years, I found my farms so much deranged that I saw evidently they would be a burden to me instead of a support till I could regenerate them; & consequently that it was necessary for me to find some other resource in the meantime. I thought for awhile of taking up the manufacture of pot-ash, which re-

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quires but small advances of money. I concluded at length however to begin a manufacture of nails, which needs little or no capital, & I now employ a dozen little boys from 10. to 16. years of age, overlooking all the details of their business myself & drawing from it a profit on which I can get along till I can put my farms into a course of yielding profit. My new trade of nail-making is to me in this country what an additional title of nobility or the ensigns of a new order are in Europe. In the commercial line, the grocers business is that which requires the least capital in this country. The grocer generally obtains a credit of three months, & sells for ready money so as to be able to make his paiments & obtain a new supply. But I think I have observed that your countrymen who have been obliged to work out their own fortunes here, have succeeded best with a small farm. Labour indeed is dear here, but rents are low & on the whole a reasonable profit & comfortable subsistence results. It is at the same time the most tranquil, healthy, & independent. And since you have been pleased to ask my opinion as to the best way of employing yourself till you can draw funds from France or return there yourself, I do presume that this is the business which would yield the most happiness & contentment to one of your philosophic turn. But at the distance I am from New York, where you seem disposed to fix yourself, & little acquainted with the circumstances of that place I am much less qualified than disposed to suggest to you emploiments analogous to your turn of mind & at the same

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time to the circumstances of your present situation. Be assured that it will always give me lively pleasure to learn that your pursuits, whatever they may be may lead you to contentment & success, being with very sincere esteem & respect, dear sir, your most obedient servant.

TO JAMES MONROE J. MSS.

MONTICELLO May 26, 1795.

DEAR SIR,—I have received your favor of Sep. 7th from Paris, which gave us the only news we have had from you since your arrival there. On my part it would be difficult to say why this is the first time I have written to you. Revising the case myself I am sensible it has proceeded from that sort of procrastination which so often takes place when no circumstance fixes a business to a particular time. I have never thought it possible through the whole time that I should be ten days longer without writing to you & thus more than a year has run off.

I am too much withdrawn from the scene of politics to give you anything in that line worth your notice. The servile copyist of Mr. Pitt, thought he too must have his alarms, his insurrections and plots against the Constitution. Hence the incredible fact that the freedom of association, of conversation, & of the press, should in the 5th year of our government have been attacked under the form of a denunciation of the democratic societies, a measure which even England, as boldly as she is advancing to the establishment of an absolute monarchy has not yet

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been bold enough to attempt. Hence too the example of employing military force for civil purposes, when it has been impossible to produce a single fact of insurrection unless that term be entirely confounded with occasional riots, & when the ordinary process of law had been resisted indeed in a few special cases but by no means generally, nor had its effect been duly tried. But it answered the favorite purposes of strengthening government and increasing public debt; & therefore an insurrection was announced & proclaimed & armed against, but could never be found. & all this under the sanction of a name which has done too much good not to be sufficient to cover harm also. & what is equally astonishing is that by the pomp of reports, proclamations, armies &c. the mind of the legislature itself was so fascinated as never to have asked where, when, & by whom this insurrection has been produced? The original of this scene in another country was calculated to excite the indignation of those whom it could not impose on: the mimicry of it here is too humiliating to excite any feeling but shame. Our comfort is that the public sense is coming right on the general principles of republicanism & that its success in France puts it out of danger here. We are still uninformed what is Mr. Jay's treaty: but we see that the British piracies have multiplied upon us lately more than ever. They had at one time been suspended. We will quit the subject for our own business.

The valuation by Mr. Lewis & Mr. Divers which had been set on foot before your departure, took

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place Sep. 19, 1794. It was £173. currency & exchange being then at 40. per cent, it was equivalent to £123–11–5 sterling. On the 19th of Nov. I drew on James Maury for £37–10 sterling in favor of Wm. B. Giles, & shall now immediately draw for the balance. Mr. Madison & myself examined your different situations for a house. We did not think it admitted any sort of question but that that on the east side of the road, in the wood, was the best. There is a valley not far from it to the southwest & on the western side of the road which would be a fine situation for an orchard. Mr. Jones having purchased in Loudon we shall hardly see him here, & indeed have hardly seen him. If I can get proper orders from him I will have the ground above mentioned planted in fruit trees from my own nursery, where I have made an extra provision on your account. Indeed I wish you would determine to save 500. or 1000£ a year from your present salary, which you ought to do as a compensation for your time, & send us a plan of the house & let us be building it, drawing on you for a fixed sum annually till it be done. I would undertake to employ people in the most economical way, to superintend them & the work & have the place in a comfortable state for your reception. If you think proper to authorize me to do this I shall begin immediately on receiving your permission. I am so confident that you ought to do it & will do it that I have ventured to send a small claim or two to you as explained in the two inclosed letters to LaMotte & Froullé, with an expectation that you will give me an opportunity of replacing it here to those who

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shall be employed for you. Should you however not conclude to let us do anything for you here, I would wish you to suppress both these letters. While speaking of Froullé, Libraire, au quai des Augustins, I can assure you that after having run a severe gauntlet under the Paris book-sellers I rested at last on this old gentleman, whom I found in a long & intimate course of after dealings to be one of the most conscientiously honest men I ever had dealings with. I commend him to you strongly, should you purchase books. I think LaMotte at Havre a very good & friendly man, & wish your forming more than an official intimacy with him. Should you have occasion for wines from Burgundy, apply to Monsr Parent Connelie à Beaume, who will furnish you with the genuine wines you may call for, & at honest prices. I found him indeed very faithful in a long course of employment. He can particularly send you of the best crops of Meursalt & Cotte d'or. For fine Champagne non mousseux, apply to Monsr. Dorsai, or to his homme-d'affaires Monsr. Louis if still in place at his Chateau at Aij near Epernay in Champagne. While recommending good subjects to you I must ask you to see for me the following persons, present my affectionate remembrance to them and let me hear how they have weathered the storm. These are L'Abbe Ammon, place Vendome, chez M Daville, an excellent mentor and much affectioned to the Americans. Monsr. la Vieillard of Passy whom Dr. Franklin presented to me as the honestest man in France, & a very honest & friendly one I found him. Monsr. & Madame Grand at

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Passy vastly good & friendly people also. Dr. Gem an old English physician in the Faubourg St. Germains, who practiced only for his friends & would take nothing, one of the most sensible & worthy men I have ever known. But I reckon he has gone to England. Many others I could name of great worth but they would be too many, & have perhaps changed their scene. If Mr. Balbatre the musical preceptor of my daughters of the Faubourg St. Honore or its neighborhood can be found, be so good as to deliver him the affectionate compliments of my family, & if he can send them anything new & good in the musical line, I will ask you to pay him for it & let it be packed with the books from Froullé. These, if they come at all, must come before the winter, as a winter pasage is inevitable ruin to books. I have bought for Mr. Short the land between yours & Blenheim 1334 acres @ 23/6 ready money. Three out of seven shares (of 50 as each) of Carter's land over the mountain will be for sale soon. It is not known where these lands will lie as the partition is not yet made. Should anyone join you on the mountain it would be worth your purchase. Collé is lately sold for £375. to a Mr. Catlet, a farmer, whom I do not know. It is very possible it will be for sale again. Should you conclude to build a house, you must decide whether of brick or stone. The latter costs about one-half of the former, to wit about 8/ a perch of 25 cubic feet. I hope Mr. Jones will change the system of corn & wheat alternately on your land till the fields are entirely worn out, abandoned, & the new ones treated in the same manner. This is the

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way my lands have been ruined. Yours are yet in a saveable state. But a very little time will put some of them beyond recovery. The best plan would be to divide the open grounds into 5. fields, and tend them in this order. 1. wheat. 2. corn & potatoes. 3. rye. 4. clover. 5. clover. And then begin wheat &c. over again. By this means they would go into corn but once in five years. It would be still better to have four or five men for a twelve months to clear the whole body of your tenable lands at once, that you may at once come into the use of the whole, & allow more relief to the old, & an easier service to all of it in general, instead of wearing out one half while clearing the other by little & little as we have generally done in this neighborhood. I am going to have Short's all cleared in this way. But of all this there can be no better judge than Mr. Jones. I have divided my farms into seven fields on this rotation. 1. wheat. 2. peas & potatoes. 3. corn & potatoes. 4. peas & potatoes till I can get the vetch from Europe. 5. rye. 6. clover. 7. clover. My lands were so worn that they required this gentle treatment to recover them. Some of yours are as far gone. There are two or three objects which you should endeavour to enrich our country with. 1. the Alpine strawberry. 2. The skylark. 3. The *red* legged Partridge. I despair too much of the nightingale to add that. We should associate Mrs. Monroe to you in these concerns. Present to her our most affectionate esteem, not forgetting Eliza. We are all well except Mr. Randolph, whose health is very frail indeed. It

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is the more discouraging as there seems to have been no founded conjecture what is the matter with him. Your brother is well, but Mrs. Monroe rather sickly. The death of Dr. Walker is the only event of that kind which has taken place in our neighborhood since you left us. Dr. Gilmer still lives. His eldest daughter is to be married to a Mr. Wirt the day after to-morrow. Frank Walker has succeeded to the whole of Dr. Walker's estate, said to be worth £20,000. Sam Carr married to a daughter of Overton Carr in Maryland & probably will remove there. His mother (my sister) living at his place a little above Dr. Gilmer's. My budget is out. Adieu. God Almighty bless you all.

P. S. If you can send us with Froullé's books a supply of 20. or 30 lb. of maccaroni, they will be an agreeable addition to his bill.

TO TENCH COXE J. MSS.

MONTICELLO June 1, 1795.

DEAR SIR,—I received a few days ago only your favor of Mar. 20. accompanied by the collection of your papers lately printed, for which I cordially thank you. It will enable me to turn with more convenience to pieces which I consult with pleasure & instruction.

I congratulate you on the successes of our two allies. Those of the Hollanders are new and therefore pleasing. It proves that there is a god in heaven, & that he will not slumber without end on

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the iniquities of tyrants, or their Stadtholder. This ball of liberty, I believe most piously, is now so well in motion that it will roll round the globe. At least the enlightened part of it, for light & liberty go together. It is our glory that we first put it into motion, & our happiness that being foremost we had no bad examples to follow. What a tremendous obstacle to the future attempts at liberty will be the atrocities of Robespierre! We are enjoying a most seasonable sowing after a winter which had greatly injured our small grain. Nothing can give us a great crop. I doubt if it can be made even a good one. Our first hay-cutting (clover) begins to-day. This may mark to you the difference of your seasons & ours. My clover in common upland fields which were never manured will yield 1500 lb. to the acre at this cutting, which I consider as an encouraging beginning. I take the liberty of asking your care of two letters, both of them of importance. I have not enclosed Monroe's either to our office of foreign affairs or the Minister of France, because I thought you might possibly find a safer channel than either. It requires safety and secrecy. But adopt either of those channels if you think them the best. I am with much affection, dear sir, your friend & servant.

TO JAMES MADISON MAD. MSS.

Aug. 3, 95.

You will perceive by the inclosed that Hamilton has taken up his pen in support of the treaty (return it to me). He spoke on it's behalf in the meeting at

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New York, and his party carried a decision in favor of it by a small majority. But the Livingstonians appealed to stones & clubs & beat him & his party off the ground. This from a gentleman just from Philadelphia. Adieu.

P. S. Richmond has decided against the treaty. It is said that not even Carrington undertakes to defend it.

TO MANN PAGE J. MSS.

MONTICELLO, Aug 30, 1795.

It was not in my power to attend at Fredericksburg according to the kind invitation in your letter, and in that of mr. Ogilvie. The heat of the weather, the business of the farm, to which I have made myself necessary, forbade it; and to give one round reason for all, *mature sanus*, I have laid up my Rosinante in his stall, before his unfitness for the road shall expose him faultering to the world. But why did not I answer you in time? Because, in truth, I am encouraging myself to grow lazy, and I was sure you would ascribe the delay to anything sooner than a want of affection or respect to you, for this was not among the possible causes. In truth, if anything could ever induce me to sleep another night out of my own house, it would have been your friendly invitation and my sollicitude for the subject of it, the education of our youth. I do most anxiously wish to see the highest degrees of education given to the higher degrees of genius, and to all degrees of it, so much as may enable them to read

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& understand what is going on in the world, and to keep their part of it going on right: for nothing can keep it right but their own vigilant & distrustful superintendence. I do not believe with the Rochefoucaults & Montaignes, that fourteen out of fifteen men are rogues: I believe a great abatement from that proportion may be made in favor of general honesty. But I have always found that rogues would be uppermost, and I do not know that the proportion is too strong for the higher orders, and for those who, rising above the swinish multitude, always contrive to nestle themselves into the places of power & profit. These rogues set out with stealing the people's good opinion, and then steal from them the right of withdrawing it, by contriving laws and associations against the power of the people themselves. Our part of the country is in considerable fermentation, on what they suspect to be a recent roguery of this kind. They say that while all hands were below deck mending sails, splicing ropes, and every one at his own business, & the captain in his cabbin attending to his log book & chart, a rogue of a pilot has run them into an enemy's port. But metaphor apart, there is much dissatisfaction with mr. Jay & his treaty. For my part, I consider myself now but as a passenger, leaving the world, & it's government to those who are likely to live longer in it. That you may be among the longest of these, is my sincere prayer. After begging you to be the bearer of my compliments & apologies to mr. Ogilvie, I bid you an affectionate farewell, always wishing to hear from you.

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TO JAMES MONROE MON. MSS.

MONTICELLO. Sep. 6, 95.

DEAR SIR,—I wrote you on the 26th of May last. Since that Mr. Jones has been here & Mr. Madison, and have communicated to me some of your letters. Mr. Jones is taking good measures for saving and improving your land but of all this he will inform you. I enclose you a letter for Mde Bellanger, which I leave open for your perusal as its contents may suggest to you some service to Derieux. I also inclose you a letter from him, and a draft on his uncle's executors for 4000# which we must trouble you to remit in some way or other without loss if possible: and if it cannot be received without too sensible a loss, I think it had better lie. Observe that the money is not to be remitted to Derieux, as he has conveyed it to Colo. Gamble & Colo. Bell to satisfy debts. I think it had better be sent to Colo. Bell, who will pay to Gamble his part of it. If you receive it, it may be a convenience and safety to all parties for you to apply a part of it to answer the little commissions I gave you for Froullé & La Motte, and to order me to pay their amount to Colo. Bell which I will do on sight of your order. But name the sum I am to pay in dollars to avoid all questions of depreciation. In this case I would be willing to extend my commission to the procuring me some wines from Bordeaux to be purchased & shipped for me by Mr. Fenwick to Richmond, consigned to Colo. Gamble. I will note the wines at the foot of my letter. When you shall have read the letter to Madame Bellanger, be so good as seal & send it to her.—I trouble you also with a letter

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to Madame de Tessé, whom I suppose to be in Switzerland: pray find a safe conveyance, and receive for me any letters she may send for me. She is a person for whom I have great friendship. Mr. Gautier, banker, successor to Grand, to whom I enclose another letter can probably inform you how to address & forward that to Madame de Tessé.—Nothing has happened in our neighborhood worth communication to you. Mr. Randolph's health was at the lowest ebb, & he determined to go to the Sweet springs where he still is. His last letter informs me that his amendment is so great as to give him hopes of an entire recovery.—In political matters there is always something new. Yet at such a distance and with such uncertain conveyances it is best to say little of them. It may be necessary however to observe to you that in all countries where parties are strongly marked, as the monocrats and republicans here, there will always be desertions from the one side to the other: and to caution you therefore in your correspondence with *Dawson*,[1] who is now closely connected in speculations as we are told with *Harry Lee*. With *Steel* become a consummate Tory, and even *Innes*, who has changed backwards and forwards two or three times lately.—Mr. Jay's treaty has at length been made public. So general a burst of dissatisfaction never before appeared against any transaction. Those who understand the particular articles of it, condemn these articles. Those who do not understand them minutely, condemn it generally as wearing a hostile face to France. This last is the

[1] Italics are cipher numbers in original.

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must numerous class, comprehending the whole body of the people, who have taken a greater interest in this transaction than they were ever known to do in any other. It has in my opinion completely demolished the monarchial party here. The Chamber of Commerce in New York, against the body of the town, the merchants in Philadelphia, against the body of their town, also, and our town of Alexandria have come forward in it's support. Some individual champions also appear. *Marshall*, *Carrington*, *Harvey*, *Bushrod Washington*, *Doctor Stewart*. A more powerful one is *Hamilton*, under the signature of *Camillus*. *Adams* holds his tongue with an address above his character. We do not know whether the President has signed it or not. If he has it is much believed the H. of representatives will oppose it as constitutionally void, and thus bring on an embarrassing and critical state in our government.— If you should receive Derieux' money and order the wines, Mr. Fenwick ought to ship them in the winter months. Present my affectionate respects to Mrs. Monroe, and accept them yourself. No signature is necessary.[1]

P.S. The day after writing the preceding letter, yours of June 23 & 27 came to hand. I open this

[1] "Wines to be procured & shipped by Mr. Fenwick from Bordeaux if it should be found advantageous to remit mr. Derieux' money in that way. They will come at my risk.

250 bottles of the best vin rouge ordinaire used at the good tables of Bordeaux, such as mr. Fenwick sent me before.

125 bottles of Sauterne, old & ready for use.

60 bottles of Fontignan.

60 bottles of white Hermitage of the first quality, old & ready for use."

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therefore to acknowledge the receipt & thank you for the information given. Soon after that date you will have received mine of May 26, and perceive by that & this that I had taken the liberty of asking some services from you. Yes, the treaty is now known here, by a bold act of duty in one of our Senators, and what the sentiments upon it are, our public papers will tell you, for I take for granted they are forwarded to you from the Secretary of State's office. The same post which brought your letter, brought also advice of the death of Bradford, Atty Genl., the resignation of E. Randolph (retiring perhaps from the storm he saw gathering), and of the resolutions of the Chamber of Commerce of Boston in opposition to those of the town of Boston in general. P. Marks is dead within these 24. hours. His wife had died some months before. I omitted in my letter to mention that J. Rutledge was appointed Chief Justice in the room of Mr. Jay, and that he, Govr Pinckney & others of that Southern constellation had pronounced themselves more desperately than any others against the treaty.—Still deliver the letters to Mad^e Bellanger. A true state of the case, soothing and altering terms may perhaps produce the execution of her last promise.

TO TENCH COXE J. MSS.

MONTICELLO Sep. 10, 95.

DEAR SIR,—I have to acknolege the receipt of your favor of July 30. The sentiments therein expressed on the subject of the treaty coincide

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perfectly with those of this country, which I believe were never more unanimous. 4. or 5. individuals of Richmond, distinguished however by their talents as by their devotion to all the sacred acts of the government, & the town of Alexandria constitute the whole support of that instrument here. Camillus may according to his custom write an Encyclopedia on the subject, but it is too obstinate to be twisted by all his sophisms into a tolerable shape. Having interdicted to myself the reading of newspapers, & thinking or saying anything on public matters beyond what the conversation of my neighbors draws me into, I leave such delights to those who, more rational than myself, prefer them to their tranquility, & to those whose stations keep them in that vortex, & make them better judges of what is passing around them. My situation putting it out of my power to find good conveyances for my foreign letters in these times of obstruction by sea & by land, I avail myself of your friendship to get them on: & now take the liberty of enclosing some. Our foreign ministers being entitled to charge their postages, & the risque of separating the 3d. letter, dispenses with apology on the subject of postage. That to Van Staphorst covers bills of exchange, the property of Mr. Mazzei which I am remitting as it is collected.

TO HENRY TAZEWELL J. MSS.

MONTICELLO, Sep 13, 1795.

DEAR SIR,—I ought much sooner to have acknoleged your obliging attention in sending me a copy of

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the treaty. It was the first we received in this part of the country. Tho I have interdicted myself all serious attention to political matters, yet a very slight notice of that in question sufficed to decide my mind against it. I am not satisfied we should not be better without treaties with any nation. But I am satisfied we should be better without such as this. The public dissatisfaction too & dissension it is likely to produce, are serious evils. I am not without hopes that the operations on the 12th article may render a recurrence to the Senate yet necessary, and so give to the majority an opportunity of correcting the error into which their exclusion of public light has led them. I hope also that the recent results of the English will at length awaken in our Executive that sense of public honor & spirit, which they have not lost sight of in their proceedings with other nations, and will establish the eternal truth that acquiescence under insult is not the way to escape war. I am with great esteem, Dear Sir, your most obedient humble servant.

TO JAMES MADISON MAD. MSS.

MONTICELLO, Sep 21, 1795.

I received about three weeks ago, a box containing 6. doz. volumes, of 283. pages, 12 mo, with a letter from Lambert, Beckley's clerk, that they came from mr. Beckley, & were to be divided between yourself, J. Walker, & myself. I have sent 2. doz to J. Walker, and shall be glad of a conveyance for yours. In the meantime, I send you by post, the title page, table of

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contents, and one of the pieces, Curtius,[1] lest it should not have come to you otherwise. It is evidently written by Hamilton, giving a first & general view of the subject, that the public mind might be kept a little in check, till he could resume the subject more at large from the beginning, under his second signature of Camillus. The piece called *The Features of the Treaty*, I do not send, because you have seen it in the newspapers. It is said to be written by Coxe, but I should rather suspect, by Beckley. The antidote is certainly not strong enough for the poison of Curtius. If I had not been informed the present came from Beckley, I should have suspected it from Jay or Hamilton. I gave a copy or two, by way of experiment, to honest, sound-hearted men of common understanding, and they were not able to parry the sophistry of Curtius. I have ceased therefore, to give them. Hamilton is really a colossus to the anti-republican party. Without numbers, he is an host within himself. They have got themselves into a defile, where they might be finished; but too much security on the republican part will give time to his talents & indefatigableness to extricate them. We have had only middling performances to oppose to him. In truth, when he comes forward, there is nobody but yourself who can meet him. His adversaries having begun the attack, he has the advantage of answering them, & remains unanswered himself. A solid reply might yet completely demolish what was too feebly attacked, and has

[1] The letters of "Curtius" were written by Noah Webster, except numbers 6–7, which were from the pen of James Kent.

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gathered strength from the weakness of the attack. The merchants were certainly (except those of them who are English) as open mouthed at first against the treaty as any. But the general expression of indignation has alarmed them for the strength of the government. They have feared the shock would be too great, and have chosen to tack about & support both treaty & government, rather than risk the government. Thus it is, that Hamilton, Jay, &c., in the boldest act they ever ventured on to undermine the government, have the address to screen themselves, & direct the hue & cry against those who wish to drag them into light. A bolder party-stroke was never struck. For it certainly is an attempt of a party, which finds they have lost their majority in one branch of the Legislature, to make a law by the aid of the other branch & of the executive, under color of a treaty, which shall bind up the hands of the adverse branch from ever restraining the commerce of their patron-nation. There appears a pause at present in the public sentiment, which may be followed by a revulsion. This is the effect of the desertion of the merchants, of the President's chiding answer to Boston & Richmond, of the writings of Curtius & Camillus, and of the quietism into which people naturally fall after first sensations are over. For god's sake take up your pen, and give a fundamental reply to Curtius & Camillus.

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TO JAMES MADISON[1]

FONTAINBLEAU Oct. 28. 1795

DEAR SIR,—Seven o'clock, and retired to my fireside, I have determined to enter into conversation with you. This is a village of about 5000 inhabitants when the court is not here & 20,000 when they are, occupying a valley thro' which runs a brook and on each side of it a ridge of small mountains most of which are naked rock. The King comes here, in the fall always, to hunt. His court attend him, as do also the foreign diplomatic corps. But as this is not indispensably required & my finances do not admit the expense of a continued residence here, I propose to come occasionally to attend the King's levees, returning again to Paris, distant 40 miles. This being the first trip I set out yesterday morning to take a view of the place. For this purpose I shaped my course towards the highest of the mountains in sight, to the top of which was about a league. As soon as I had got clear of the town I fell in with a poor woman walking at the same rate with myself & going the same course. Wishing to know the condition of the laboring poor I entered into conversation with her, which I began by enquiries for the path which would lead me into the mountain: & thence proceeded to enquiries into her vocation, condition & circumstances. She told me she was a day labourer, at 8. sous or 4^{d} sterling the day; that she had two

[1] The true date of this letter is ten years previous to this, Jefferson having written 1795 in place of 1785, and owing to this error, it was not included in its correct place in the present work. As the letter is of singular interest, the editor has thought it best to include it, even though out of its proper place.

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children to maintain, & to pay a rent of 30 livres for her house, (which would consume the hire of 75 days) that often she could get no emploiment, and of course was without bread. As we had walked together near a mile & she had so far served me as a guide, I gave her, on parting, 24 sous. She burst into tears of a gratitude which I could perceive was unfeigned because she was unable to utter a word. She had probably never before received so great an aid. This little *attendrissement*, with the solitude of my walk led me into a train of reflections on that unequal division of property which occasions the numberless instances of wretchedness which I had observed in this country & is to be observed all over Europe. The property of this country is absolutely concentrated in a very few hands, having revenues of from half a million of guineas a year downward. These employ the flower of the country as servants, some of them having as many as 200 domestics, not labouring. They employ also a great number of manufacturers, & tradesmen, & lastly the class of labouring husbandmen. But after all there comes the most numerous of all the classes, that is, the poor who cannot find work. I asked myself what could be the reason that so many should be permitted to beg who are willing to work, in a country where there is a very considerable proportion of uncultivated lands? These lands are undisturbed only for the sake of game. It should seem then that it must be because of the enormous wealth of the proprietors which places them above attention to the encrease of their revenues by permitting these lands to be laboured. I

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am conscious that an equal division of property is impracticable. But the consequences of this enormous inequality producing so much misery to the bulk of mankind, legislators cannot invent too many devices for subdividing property, only taking care to let their subdivisions go hand in hand with the natural affections of the human mind. The descent of property of every kind therefore to all the children, or to all the brothers & sisters, or other relations in equal degree is a politic measure, and a practicable one. Another means of silently lessening the inequality of property is to exempt all from taxation below a certain point, & to tax the higher portions of property in geometrical progression as they rise. Whenever there is in any country, uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right. The earth is given as a common stock for man to labour & live on. If for the encouragement of industry we allow it to be appropriated, we must take care that other employment be provided to those excluded from the appropriation. If we do not the fundamental right to labour the earth returns to the unemployed. It is too soon yet in our country to say that every man who cannot find employment but who can find uncultivated land shall be at liberty to cultivate it, paying a moderate rent. But it is not too soon to provide by every possible means that as few as possible shall be without a little portion of land. The small land holders are the most precious part of a state. * * *

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TO JAMES MADISON J. MSS.

Nov. 26, 95.

Your favor from Fredericksburg came safe to hand. I enclose you the extract of a letter I received from Mr. R. now in Richmond.[1] Tho' you will have been informed of the fact before this reaches you, yet you will see more of the subject by having different views of it presented to you. Though Marshall will be able to embarras the republican party in the assembly a good deal, yet upon the whole, his having gone into it will be of service. He has been hitherto able to do more mischief acting under the mask of Republicanism than he will be able to do after throwing it plainly off. His lax lounging manners have made him popular with the bulk of the people of Richmond, & a profound hypocrisy with many thinking men of our country. But having come forth in the plenitude of his English principles the latter will

[1] "Extract of a lre. dated RICHMD. Nov. 22. 1795.

"Mann Page's motion for a resolution approving the conduct of the minority in the national senate was warmly agitated three whole days, Wednesday Thursd. & Friday. It was much less ably defended than opposed. John Marshal it was once apprehended would make a great number of converts by an argument which cannot be considered in any other light than an uncandid artifice. To prevent what would be a virtual censure of the President's conduct he maintained *that the treaty in all its commercial parts was still under the power of the H. of R.* He contended that it was more in the spirit of the constitution for it to be rendered nugatory after it received the sanction of the P. & S. by *the H. of R. refusing it their support*, than for its existence to be prevented, for it to be stifled in embryo by their declaring upon application from the P. to know their sentiment before he had given it his signature, that they would withhold that support. He compared the relation of the Executive to the Legislative department to that between the states and the Congress under the old confederation. The old Congress might have given up the right of laying discriminating duties in favor of any nation by treaty: it would never have thought of taking beforehand the assent of each state thereto. Yet

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see that it is high time to make him known. His doctrine that the whole commercial part of the treaty (& he might have added the whole unconstitutional part of it) rests in the power of the H. of R. is certainly the true doctrine; & as the articles which stipulate what requires the consent of the three branches of the legislature, must be referred to the H. of R. for their concurrence, so they, being free agents, may approve or reject them, either by a vote declaring that, or by refusing to pass acts. I should think the former mode the most safe & honorable. The people in this part of the country continue very firmly disposed against the treaty. I imagine the 50. negative votes comprehend the whole force of the Alexandrian party & the bigots & passive obedience men of the whole state who have got themselves into the legislature. I observe an expression

no one would have pretended to deny the power of the states to lay such. This doctrine, I believe, is all that is original in his argument. The sophisms of Camillus, & the nice distinctions of the Examiner made up the rest. It is clear that it was brought forward for the purpose of gaining over the unwary & wavering. It has never been admitted by the writers in favor of the treaty to the northward. Its author was disappointed however. Upon a division the vote stood 100 to 50. After the question Charles Lee brought forward a motion of compliment to the P. It was of most uncommon length which was undoubtedly intended to puzzle: & the word 'wisdom' in expressing the confidence of the House in the P. was so artfully introduced that if the fraudulent design had not been detected in time the vote of the House, as to its effect upon the P. would have been entirely done away. A resolution so worded as to acquit the P. of all evil intention, but at the same time silently censuring his error, was passed by a majority of 33. 89 to 56.

"Some of the warmest of the victorious party talk of bringing forward a motion for a vote of applause to S. T. Mason. But the more moderate say their triumph is sufficient, & it is supposed this will be dropped."

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in Randolph's printed secret intimating that the President, tho' an honest man himself, may be circumvented by snares & artifices, & is in fact surrounded by men who wish to clothe the Executive with more than constitutional powers. This when public, will make great impression. It is not only a truth, but a truth levelled to every capacity & will justify to themselves the most zealous votaries, for ceasing to repose the unlimited confidence they have done in the measures which have been pursued. Communicate the enclosed paper, if you please, to Mr. Giles. Our autumn is fine. The weather mild & intermixed with moderate rains at proper intervals. No ice yet, & not much frost. Adieu.

TO EDWARD RUTLEDGE [1]

MONTICELLO NOV 30. 95.

MY DEAR SIR,—I received your favor of Oct. 12 by your son, who has been kind enough to visit me here, and from whose visit I have received all that pleasure which I do from whatever comes from you, and especially from a subject so deservedly dear to you. He found me in a retirement I doat on, living like an Antediluvian patriarch among my children & grand children, and tilling my soil. As he had lately come from Philadelphia, Boston &c he was able to give me a great deal of information of what is passing in the world & I pestered him with questions pretty much as our friends Lynch, Nelson &c

[1] From the original in the Historical Society of Pennsylvania.

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will us when we step across the Styx, for they will wish to hear what has been passing above ground since they left us. You hope I have not abandoned entirely the service of our country. After a five & twenty years continual employment in it, I trust it will be thought I have fulfilled my tour, like a punctual soldier, and may claim my discharge. But I am glad of the sentiment from you my friend, because it gives a hope you will practice what you preach, and come forward in aid of the public vessel. I will not admit your old excuse, that you are in public service tho' at home. The campaigns which are fought in a man's own house are not to be counted. The present situation of the President, unable to get the offices filled, really calls with uncommon obligation on those whom nature has fitted for them. I join with you in thinking the treaty an execrable thing. But both negotiators must have understood that as there were articles in it which could not be carried into execution without the aid of the legislatures on both sides, that therefore it must be referred to them, and that these legislatures being free agents would not give it their support if they disapproved of it. I trust the popular branch of our legislature will disapprove of it, and thus rid us of this infamous act, which is really nothing more than a treaty of alliance between England & the Anglomen of this country against the legislature & people of the United States.—I told your son I had long had it in contemplation to write to you for half a dozen *sour* orange trees, of a proper size for small boxes, as they abound with you. The only

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trouble they would give would be the putting them into boxes long enough before sending them for them to take root, & when rooted to put them into some vessel coming *direct to Richmond* to the care of mr Daniel Hylton there. Your son is kind enough to undertake the commission. With constant & unchanged affections I am my dear friend.

TO WILLIAM BRANCH GILES [1]

MONTICELLO Dec. 31. 95.

DEAR SIR,—Your favors of Dec. 15. & 20. came to hand by the last post. I am well pleased with the manner in which your house has testified their sense of the treaty. While their refusal to pass the original clause of the reported answer proved their condemnation of it, the contrivance to let it disappear silently respected appearances in favor of the President, who errs as other men do, but errs with integrity. Randolph seems to have hit upon the true theory of our constitution, that when a treaty is made, involving matters confided by the constitution to the three branches of the legislature conjointly, the representatives are as free as the President & Senate were to consider whether the national interest requires or forbids their giving the forms & force of law to the articles over which they have a power.—I thank you much for the pamphlet—his narrative is so straight & plain, that even those who did not know him will acquit him of the charge of bribery; those who knew

[1] From a copy courteously furnished by Dr. J. S. H. Fogg, of Boston.

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him had done it from the first. Tho' he mistakes his own political character in the aggregate, yet he gives it to you in the detail. Thus he supposes himself a man of no party (page 97,) that his opinions not containing any systematic adherence to party, fall sometimes on one side and sometimes on the other. (pa. 58.) Yet he gives you these facts, which shew that they fall generally on both sides, & are complete inconsistencies—1. He never gave an opinion in the Cabinet against the rights of the people (pa. 97.) yet he advised the denunciation of the popular societies. (67.) 2. He would not neglect the overtures of a commercial treaty with France (79) yet he always opposed it while atty-general, and never seems to have proposed it while Secretary of State. 3. He concurs in resorting to the militia to quell the pretended insurrection in the west (81.) and proposes an augmentation from 12.500 to 15.000 to march against men at their ploughs, (pa. 80.) yet on the 5th of Aug. he is against their marching (83. 101.) and on the 25th of Aug. he is for it. (84.) 4. He concurs in the measure of a mission extraordinary to London (as inferred from pa. 58.) but objects to the men, to wit Hamilton & Jay (58.) 5. He was against granting commercial powers to Mr. Jay (58.) yet he besieged the doors of the Senate to procure their advice to ratify.—6. He advises the President to a ratification on the merits of the treaty (—7.) but to a suspension till the provision order is repealed. (98.) The fact is that he has generally given his principles to the one party & his practice to the other; the oyster to one, the shell to the other.

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Unfortunately the shell was generally the lot of his friends the French and republicans, & the oyster of their antagonists. Had he been firm to the principles he professes in the year 1793. the President would have been kept from a habitual concert with the British & Antirepublican party, but at that time I do not know which R. feared most, a British fleet, or French disorganisers. Whether his conduct is to be ascribed to a superior view of things, an adherence to right without regard to party, as he pretends, or to an anxiety to trim between both, those who know his character and capacity will decide. Were parties here divided merely by a greediness for office, as in England, to take a part with either would be unworthy of a reasonable or moral man, but where the principle of difference is as substantial and as strongly pronounced as between the republicans & the Monocrats of our country, I hold it as honorable to take a firm & decided part, and as immoral to pursue a middle line, as between the parties of Honest men, & Rogues, into which every country is divided.

A copy of the pamphlet came by this post to Charlottesville. I suppose we shall be able to judge soon what kind of impression it is likely to make. It has been a great treat to me, as it is a continuation of that Cabinet history with the former part of which I was intimate. I remark in the reply of the President a small travestie of the sentiment contained in the answer of the Representatives. They acknowlege that he has *contributed* a great share to the national happiness by his services. He thanks them for ascribing to his *agency* a great share of those benefits.

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The former keeps in view the co-operation of others towards the public good, the latter presents to view his sole agency. At a time when there would have been less anxiety to publish to the people a strong approbation from your house, this strengthening of your expression would not have been noticed. Our attentions have been so absorbed by the first manifestations of the sentiments of your house, that we have lost sight of our own legislature: insomuch that I do not know whether they are sitting or not.

The rejection of Mr. Rutledge by the Senate is a bold thing, because they cannot pretend any objection to him but his disapprobation of the treaty. It is of course a declaration that they will receive none but tories hereafter into any department of the government. I should not wonder if Monroe were to be recalled under the idea of his being of the partisans of France, whom the President considers as the partisans of *war & confusion* in his letter of July 31, and as disposed to excite them to hostile measures, or at least to unfriendly sentiments. A most infatuated blindness to the true character of the sentiments entertained in favor of France. The bottom of my page warns me that it is time to end my commentaries on the facts you have furnished me. You would of course however wish to know the sensations here on those facts. My friendly respects to Mrs. Madison, to whom the next week's dose will be directed. Adieu affectionately.

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NOTES ON PROF. EBELING'S LETTER OF JULY 30, 95 [1]

Professor Ebeling mentioning the persons in America from whom he derives information for his work, it may be useful for him to know how far he may rely on their authority.

President Stiles, an excellent man, of very great learning, but remarkable for his credulity.

Dr. Willard.
Dr. Barton
Dr. Ramsay
Mr. Barlow

} All these are men of respectable characters worthy of confidence as to any facts they may state, and rendered, by their good sense, good judges of them.

Mr. Morse.
Mr. Webster.

} Good authorities for whatever relates to the Eastern states, & perhaps as far South as the Delaware.

But South of that their information is worse than none at all, except as far as they quote good authorities. They both I believe took a single journey through the Southern parts, merely to acquire the right of being considered as eye-witnesses. But to pass once along a public road thro' a country, & in one direction only, to put up at it's taverns, and get into conversation with the idle, drunken individuals who pass their time lounging in these taverns, is not the way to know a country, it's inhabitants, or manners. To generalize a whole nation from these specimens is not the sort of information which Professor Ebeling would wish to compose *his work* from.

[1] Undated, but probably written late in 1795. Christoph Daniel Ebeling was at this time preparing his *Biography and History of North America*.

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Fenno's *Gazette of the U. S.*
Webster's *Minerva.*
Columbian centinel.

} To form a just judgment of a country from it's newspapers the character of these papers should be known, in order that proper allowances & corrections may be used. This will require a long explanation, without which, these particular papers would give a foreigner a very false view of American affairs.

The people of America, before the revolution-war, being attached to England, had taken up, without examination, the English ideas of the superiority of their constitution over every thing of the kind which ever had been or ever would be tried. The revolution forced them to consider the subject for themselves, and the result was an universal conversion to republicanism. Those who did not come over to this opinion, either left us, & were called Refugees, or staid with us under the name of tories; & some, preferring profit to principle took side with us and floated with the general tide. Our first federal constitution, or confederation as it was called, was framed in the first moments of our separation from England, in the highest point of our jealousies of independance as to her & as to each other. It formed therefore too weak a bond to produce an union of action as to foreign nations. This appeared at once on the establishment of peace, when the pressure of a common enemy which had hooped us together during the war, was taken away. Congress was found to be quite unable to point the action of the several states to a common object. A general desire therefore took place of amending the federal con-

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stitution. This was opposed by some of those who wished for monarchy to wit, the Refugees now returned, the old tories, & the timid whigs who prefer tranquility to freedom, hoping monarchy might be the remedy if a state of complete anarchy could be brought on. A Convention however being decided on, some of the monocrats got elected, with a hope of introducing an English constitution, when they found that the great body of the delegates were strongly for adhering to republicanism, & for giving due strength to their government under that form, they then directed their efforts to the assimilation of all the parts of the new government to the English constitution as nearly as was attainable. In this they were not altogether without success; insomuch that the monarchical features of the new constitution produced a violent opposition to it from the most zealous republicans in the several states. For this reason, & because they also thought it carried the principle of a consolidation of the states farther than was requisite for the purpose of producing an union of action as to foreign powers, it is still doubted by some whether a majority of the people of the U. S. were not against adopting it. However it was carried through all the assemblies of the states, tho' by very small majorities in the largest states. The inconveniences of an inefficient government, driving the people as is usual, into the opposite extreme, the elections to the first Congress run very much in favor of those who were known to favor a very strong government. Hence the anti-republicans appeared a considerable majority in both houses of

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Congress. They pressed forward the plan therefore of strengthening all the features of the government which gave it resemblance to an English constitution, of adopting the English forms & principles of administration, and of forming like them a monied interest, by means of a funding system, not calculated to pay the public debt, but to render it perpetual, and to make it an engine in the hands of the executive branch of the government which, added to the great patronage it possessed in the disposal of public offices, might enable it to assume by degrees a kingly authority. The biennial period of Congress being too short to betray to the people, spread over this great continent, this train of things during the first Congress, little change was made in the members to the second. But in the mean time two very distinct parties had formed in Congress; and before the third election, the people in general became apprised of the game which was playing for drawing over them a kind of government which they never had in contemplation. At the 3d. election therefore a decided majority of Republicans were sent to the lower house of Congress; and as information spread still farther among the people after the 4th. election the anti-republicans have become a weak minority. But the members of the Senate being changed but once in 6. years, the completion of that body will be much slower in it's assimilation to that of the people. This will account for the differences which may appear in the proceedings & spirit of the two houses. Still however it is inevitable that the Senate will at length be formed to the re-

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publican model of the people, & the two houses of the legislature, once brought to act on the true principles of the Constitution, backed by the people, will be able to defeat the plan of sliding us into monarchy, & to keep the Executive within Republican bounds, notwithstanding the immense patronage it possesses in the disposal of public offices, notwithstanding it has been able to draw into this vortex the judiciary branch of the government & by their expectancy of sharing the other offices in the Executive gift to make them auxiliary to the Executive in all it's views instead of forming a balance between that & the legislature as it was originally intended and notwithstanding the funding phalanx which a respect for public faith must protect, tho it was engaged by false brethren. Two parties then do exist within the U. S. they embrace respectively the following descriptions of persons.

The Anti-republicans consist of

1. The old refugees & tories.

2. British merchants residing among us, & composing the main body of our merchants.

3. American merchants trading on British capital. Another great portion.

4. Speculators & Holders in the banks & public funds.

5. Officers of the federal government with some exceptions.

6. Office-hunters, willing to give up principles for places. A numerous & noisy tribe.

7. Nervous persons, whose languid fibres have more analogy with a passive than active state of things.

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The Republican part of our Union comprehends

1. The entire body of landholders throughout the United States.

2. The body of labourers, not being landholders, whether in husbanding or the arts.

The latter is to the aggregate of the former party probably as 500 to one; but their wealth is not as disproportionate, tho' it is also greatly superior, and is in truth the foundation of that of their antagonists. Trifling as are the numbers of the Anti-republican party, there are circumstances which give them an appearance of strength & numbers. They all live in cities, together, & can act in a body readily & at all times; they give chief employment to the newspapers, & therefore have most of them under their command. The Agricultural interest is dispersed over a great extent of country, have little means of intercommunication with each other, and feeling their own strength & will, are conscious that a single exertion of these will at any time crush the machinations against their government. As in the commerce of human life, there are commodities adapted to every demand, so there are newspapers adapted to the Antirepublican palate, and others to the Republican. Of the former class are the *Columbian Centinel*, the Hartford newspaper, Webster's *Minerva*, Fenno's *Gazette of the U. S.*, Davies's Richmond paper &c. Of the latter are Adams's Boston paper, Greenleaf's of New York, Freneau's of New Jersey, Bache's of Philadelphia, Pleasant's of Virginia &c. Pleasant's paper comes out twice a week, Greenleaf's & Freneau's one a week, Bache's daily. I do not

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know how often Adam's. I shall according to your desire endeavor to get Pleasant's for you for 1794, & 95. and will have it forwarded through 96 from time to time to your correspondent at Baltimore.

While on the subject of authorities and information, the following works are recommended to Professor Ebeling.

Minot's *history of the insurrection in Massachusetts in 1786.* 8vo

Mazzei. *Recherches historiques et politiques sur les E. U. de l'Amerique.* 4 vol. 8vo This is to be had from Paris. The author is an exact man.

The article 'Etats Unis de l'Amerique' in the *Dictionnaire d'Economie politique et diplomatique, de l'Encyclopedie methodique.* This article occupies about 90. pages, is by De Meusnier, and his materials were worthy of confidence, except so far as they were taken from the Abbé Raynal. Against these effusions of an imagination *in delirio* it is presumed Professor Ebeling needs not be put on his guard. The earlier editions of the Abbé Raynal's work were equally bad as to both South & North America. A gentleman however of perfect information as to South America, undertook to reform that part of the work, and his changes & additions were for the most part adopted by the Abbé in his latter editions. But the North-American part remains in it's original state of worthlessness.

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TO ARCHIBALD STUART [1]

MONTICELLO, Jan. 3, '96.

DEAR SIR,—I troubled you once before on the subject of my nails, and must trouble you once more, but hope my present plan will protect you from all further embarrasment with it. I set out with refusing to retail, expecting the merchants of my neighborhood and the upper country would have given a preference to my supplies, because delivered *here* at the *Richmond wholesale prices*, and at hand to be called for in small parcels, so that they need not to keep large sums invested in that article & lying dead on their hands. The importing merchants however decline taking them from a principle of suppressing every effort towards domestic manufacture, & the merchants who purchase here being much under the influence of the importers, take their nails from them with their other goods. I have determined therefore to establish deposits of my nails to be retailed at Milton, Charlottesville, Staunton, Wormester, & Warren, but first at the three first places, because I presume my present works, which turn out a ton a month, will fully furnish them, and two additional fires which will be at work in a short time, will raise it to a ton and a half a month, and enable me to extend my supplies to Wormester & Warren. I shall retail at Richmond *wholesale* prices, laying on 5 percent at Milton & Charlottesville for commission to the retailers, and 10. percent at the other places

[1] From the original in the possession of the Virginia Historical Society.

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for commission & transportation. My present retailing prices at Staunton would be

Sixes	$12\frac{1}{2}^{d}$ per lb.	equal to	$7/3\frac{1}{2}$ per M
Eights	12^{d} "	equal to	10/
Tens	$11\frac{1}{2}^{d}$ "	equal to	$12/5\frac{1}{2}$
Twelves	11^{d} "	equal to	14/8
Sixteens	$10\frac{1}{2}^{d}$ "	equal to	17/6
Twenties	10^{d} "	equal to	20/10

It is tolerably certain that the moment my deposit opens there will be an entire stoppage to the sale of all imported nails, for a body can *retail* them in the upper country at the Richmond *wholesale* prices, advanced only 5 or 10 percent. and as I mean to employ only one person in each place to retail, it will be of some advantage to the merchant who will undertake it, to have the entire monopoly of the nail business, & so draw to his store every one who wants nails, besides the commission of 5 percent, which in an article to be sold for ready money only, and where he does not employ a farthing of his own capital, I am advised is a sufficient allowance for commission. I should expect them to send me a copy of their sales once a month, and to hold the proceeds ready for my draughts at stated periods, say monthly. I trouble you to engage some person whom you can recommend for punctuality, to retail for me. I heard very favorable accounts of a Mr. Stuart, merch^{t} of Staunton, & should not hesitate to prefer him if he will undertake it. If not, pray do me the favor to find some other. I have written you the details, not that

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you need trouble yourself with explaining them to any person but that you may put this letter into his hands. As soon as you will name to me the person you engage I will send him an assortment of nails by the first waggons which will take them in.—Will you be so good as to procure for me a good bearskin, dressed, with a soft skin & the hair on. Dr. Johnson will on your application be so good as to pay for it, and take credit on his account with me. My respectful salutations to Mrs. Stuart, and assurances of attachment to yourself from yours affectionately.

TO GEORGE WYTHE J. MSS.

MONTICELLO, January 16, 1796.

In my letter which accompanied the box containing my collection of Printed laws, I promised to send you by post a statement of the contents of the box. On taking up the subject I found it better to take a more general view of the whole of the laws I possess, as well Manuscript as printed, as also of those which I do not possess, and suppose to be no longer extant. This general view you will have in the enclosed paper, whereof the articles stated to be printed constitute the contents of the box I sent you. Those in MS. were not sent, because not supposed to have been within your view, and because some of them will not bear removal, being so rotten, that in turning over a leaf it sometimes falls into powder. These I preserve by wrapping & sewing them up in oiled cloth, so that neither air nor moisture can have access to

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them. Very early in the course of my researches into the laws of Virginia, I observed that many of them were already lost, and many more on the point of being lost, as existing only in single copies in the hands of careful or curious individuals, on whose death they would probably be used for waste paper. I set myself therefore to work, to collect all which were then existing, in order that when the day should come in which the public should advert to the magnitude of their loss in these precious monuments of our property, and our history, a part of their regret might be spared by information that a portion has been saved from the wreck, which is worthy of their attention & preservation. In searching after these remains, I spared neither time, trouble, nor expense; and am of opinion that scarcely any law escaped me, which was in being as late as the year 1778 in the middle or Southern parts of the State. In the Northern parts, perhaps something might still be found. In the clerk's office in the antient counties, some of these MS. copies of the laws may possibly still exist, which used to be furnished at the public expense to every county, before the use of the press was introduced; and in the same places, and in the hands of antient magistrates or of their families, some of the fugitive sheets of the laws of separate sessions, which have been usually distributed since the practice commenced of printing them. But recurring to what we actually possess, the question is, what means will be the most effectual for preserving these remains from future loss? All the care I can take of them, will not preserve them from the worm, from the

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natural decay of the paper, from the accidents of fire, or those of removal when it is necessary for any public purposes, as in the case of those now sent you. Our experience has proved to us that a single copy, or a few, deposited in MS. in the public offices, cannot be relied on for any great length of time. The ravages of fire and of ferocious enemies have had but too much part in producing the very loss we are now deploring. How many of the precious works of antiquity were lost while they were preserved only in manuscript? Has there ever been one lost since the art of printing has rendered it practicable to multiply & disperse copies? This leads us then to the only means of preserving those remains of our laws now under consideration, that is, a multiplication of printed copies. I think therefore that there should be printed at public expense, an edition of all the laws ever passed by our legislatures which can now be found; that a copy should be deposited in every public library in America, in the principle public offices within the State, and some perhaps in the most distinguished public libraries of Europe, and that the rest should be sold to individuals, towards reimbursing the expences of the edition. Nor do I think that this would be a voluminous work. The MSS. would probably furnish matter for one printed volume in folio, would comprehend all the laws from 1624 to 1701, which period includes Purvis. My collection of Fugitive sheets forms, as we know, two volumes, and comprehends all the extant laws from 1734 to 1783; and the laws which can be gleaned up from the Revisals to supply

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the chasm between 1701 & 1734, with those from 1783 to the close of the present century, (by which term the work might be compleated,) would not be more than the matter of another volume. So that four volumes in folio, would give every law ever passed which is now extant; whereas those who wish to posses as many of them as can be procured, must now buy the six folio volumes of Revisals, to wit, Purvis & those of 1732, 1748, 1768, 1783, & 1794, and in all of them possess not one half of what they wish. What would be the expence of the edition I cannot say, nor how much would be reimbursed by the sales; but I am sure it would be moderate, compared with the rates which the public have hitherto paid for printing their laws, provided a sufficient latitude be given as to printers & places. The first step would be to make out a single copy for the MSS., which would employ a clerk about a year or something more, to which expence about a fourth should be added for the collation of the MSS., which would employ 3. persons at a time about half a day, or a day in every week. As I have already spent more time in making myself acquainted with the contents & arrangement of these MSS. than any other person probably ever will, & their condition does not admit their removal to a distance, I will chearfully undertake the direction & superintendence of this work, if it can be done in the neighboring towns of Charlottesville or Milton, farther than which I could not undertake to go from home. For the residue of the work, my printed volumes might be delivered to the Printer.

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I have troubled you with these details, because you are in the place where they may be used for the public service, if they admit of such use, & because the order of assembly, which you mention, shews they are sensible of the necessity of preserving such of these laws as relate to our landed property; and a little further consideration will perhaps convince them that it is better to do the whole work once for all, than to be recurring to it by piece-meal, as particular parts of it shall be required, & that too perhaps when the materials shall be lost. You are the best judge of the weight of these observations, & of the mode of giving them any effect they may merit. Adieu affectionately.

TO JOHN ADAMS J. MSS.

MONTICELLO Feb. 28. 96.

I am to thank you my dear Sir for forwarding M. D'Ivernois' book on the French Revolution. I receive everything with respect which comes from him. But it is on politics, a subject I never loved, & now hate. I will not promise therefore to read it thoroughly. I fear the oligarchical executive of the French will not do. We have always seen a small council get into cabals & quarrels, the more bitter & relentless the fewer they are. We saw this in our committee of the states; & that they were from their bad passions, incapable of doing the business of their country. I think that for the prompt, clear & consistent action so necessary in an executive, unity of person is necessary as with us. I am aware of the

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objection to this, that the office becoming more important may bring on serious discord in elections. In our country I think it will be long first; not within our day, & we may safely trust to the wisdom of our successors the remedies of the evil to arise in theirs. Both experiments however are not fairly committed & the result will be seen. Never was a finer convass presented to work on than our countrymen. All of them engaged in agriculture or the pursuits of honest industry independent in their circumstances, enlightened as to their rights & firm in their habits of order & obedience to the laws. This I hope will be the age of experiments in government, & that their basis will be founded in principles of honesty, not of mere force. We have seen no instance of this since the days of the Roman republic, nor do we read of any before that. Either force or corruption has been the principle of every modern government, unless the Dutch perhaps be excepted, & I am not well enough informed to accept them absolutely. If ever the morals of a people could be made the basis of their own government it is our case; & who could propose to govern such a people by the corruption of a legislature, before he could have one night of quiet sleep must convince himself that the human soul as well as body is mortal. I am glad to see that whatever grounds of apprehension may have appeared of a wish to govern us otherwise than on principles of reason & honesty, we are getting the better of them. I am sure from the honesty of your heart, you join me in detestation of the corruptions of the English government, & that no man on earth is more incapable

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than yourself of seeing that copied among us, willingly. I have been among those who have feared the design to introduce it here, & it has been a strong reason with me for wishing there was an ocean of fire between that island and us. But away politics.

I owe a letter to the Auditor on the subject of my accounts while a foreign minister, & he informs me yours hang on the same difficulties with mine. Before the present government there was a usage either practised on or understood which regulated our charges. This government has directed the future by a law. But this is not retrospective, & I cannot conceive why the treasury cannot settle accounts under the old Congress on the principles that body acted on. I shall very shortly write to Mr. Harrison on this subject & if we cannot have it settled otherwise I suppose we must apply to the Legislature. In this I will act in concert with you if you approve of it. Present my very affectionate respects to Mrs. Adams & be assured that no one more cordially esteems your virtues than, dear Sir, your sincere friend & servant.

TO JAMES MONROE MON. MSS.

Mar. 2. 96.

DEAR SIR,—I wrote you two letters in the course of the last twelve months to wit May 26. & Sep. 6. 95. and have received from you those of Sep. 7. 94. & June 23. 95. neither of which were late enough to inform me if either of mine had got to hand. In those I gave you all the details public & private

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which my situation enabled me to do. In the last I asked the delivery of a note to Frouillé for some books, particularly the sequel of the Encyclopedia, come out since he last furnished me. I hope these have got to hand.

The most remarkable political occurrence with us has been the treaty with England, of which no man in the U S. has had the effrontery to affirm that it was not a very bad one except A. H. under the signature of Camillus. It's most zealous defenders only pretended that it was better than war, as if war was not invited rather than avoided by unfounded demands. I have never known the public pulse beat so full and in such universal union on any subject since the declaration of Independance, the House of representatives of the U. S. has manifested its disapprobation of the treaty. We are yet to learn whether they will exercise their constitutional right of refusing the means which depend on them for carrying it into execution. Should they be induced to lend their hand to it it will be hard swallowing with their constituents, but will be swallowed from the habits of order & obedience to the laws which so much distinguish our countrymen. The resignation or rather the removal of R. you will have learnt. His vindication bears hard on the executive in the opinions of this quarter, and tho' it clears him in their judgment of the charge of bribery, it does not give them high ideas of his wisdom or steadiness. The appointment of J. Rutledge to be C. J. seems to have been intended merely to establish a precedent against the descent of that office by seniority, and to keep five mouths

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always gaping for one sugar plumb: for it was immediately negatived by the very votes which so implicitly concur with the will of the executive. I may consign the appointment of Chase to the bench to your own knolege of him & reflections. McHenry secty. at war, Charles Lee Atty Genl, with Pickering & Wolcott by their devotion to genuine republicanism will show to our citizens on what principles alone they can expect to rise. The office of Secy. of State was offered to P. H. in order to draw him over & gain some popularity: but not till there was a moral certainty that he would not accept it. I presume you receive the newspapers, & will have seen the amendments to the constitution proposed by the Virginia Assembly. Their reception by some of the other assemblies has been such as to call for the sacrifice of all feeling rather than ruffle the harmony so necessary to the common good. The finances are said to have been left by the late financier in the utmost derangement, and his tools are urging the funding the new debts they have contracted. Thus posterity is to be left to pay the ordinary expenses of our government in time of peace. As small news may escape the notice of your other correspondents, I shall give you what occurs to me. The James river canal is now conducted into the town of Richmond & full toll is exacted. 30. Doll. a share more however are necessary to complete it. The Patowmac & Norfolk canals are not in such forwardness. Mayo' bridge, nearly destroyed by a flood, is reestablished. R. is settled again in Richmond in the business of the law.—Carter's lands on the back of yours & Mr

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Short's have got into the hands of one of the sons, Ned, who is coming to live on them. The price of wheat is 13/ here the bushel, & corn 20/ the barrel, and not to be had indeed at any price. I have been desirous of planting some fruit trees for you that they may be growing during your absence. But Mr Jones's visits to the neighborhood have been so rare & short that I have not had an opportunity of asking from him the inclosure & allotment of the piece of ground which seems proper for it. The season is now passing. Do not fail to send over the Abricot-peche. Bartram would receive & plant it, and then furnish new plants.—Deaths are Zane, & Thos. Pleasants of 4. Mile Creek. Mr Pendleton is also said to be all but gone. A remarkable marriage is that of Capt Alcock with the widow of Dr. Walker. Your brother and family well. Derieux living in Goochland under great sufferance, and hoping a renovation of the aid promised from his aunt. My sincere affections to Mrs Monroe & to yourself. Adieu.

TO JAMES MADISON MAD. MSS.

Mar. 6, 96.

I wrote you Feb 21, since which I have recd yours of the same day. Indeed, mine of that date related only to a single article in yours of Jan 31 & Feb 7. I do not at all wonder at the condition in which the finances of the U S are found. Ham's object from the beginning, was to throw them into forms which should be utterly undecypherable. I ever said he

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did not understand their condition himself, nor was able to give a clear view of the excess of our debts beyond our credits, nor whether we were diminishing or increasing the debt. My own opinion was, that from the commencemt of this government to the time I ceased to attend to the subject, we had been increasing our debt about a million of D. annually. If mr. Gallatin would undertake to reduce this chaos to order, present us with a clear view of our finances, & put them into a form as simple as they will admit, he will merit immortal honor. The accounts of the U S ought to be, and may be made as simple as those of a common farmer, and capable of being understood by common farmers.

Disapproving, as I do, of the unjustifiable largess to the dau'r's of the C de Grasse, I will certainly not propose to rivet it by a second example on behalf of M. de Chastellux's son. It will only be done in the event of such a repetition of the precedent, as will give every one a right to share in the plunder. It is, indeed, surprising you have not yet received the British treaty in form. I presume you would never receive it were not your co-operation on it necessary. But this will oblige the formal notification of it to you.

I thank you for your information respecting Lownes. There is one article still necessary to be known from mr Howell. Lownes began with credit of 90. days from the time of the departure of the nailrod from Philadelphia (not his delivery of it to the vessel; for that makes a difference sometimes of many weeks) but he afterwards reduced it to 60. days. What would be mr. Howell's credits? I know that credit

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in Virginia startle a merchant in Philadelphia; but I presume that mr. Howell could have confidence enough in me (tho not personally known to him) to make a trial, & govern himself afterwards according to the result, & to the punctuality with which he would receive his remittances. I wish to know this, tho I am not yet decided to drop Lownes, on account of his being a good man, & I like much to be in the hands of good men. There is great pleasure in unlimited confidence. My consumption has now advanced from 3. to 4. tons a quarter. I call for a quarter's supply at once, so that the last quarter's supply is always paid for before the next is called for, or at the very time.—The Spanish treaty will have some disagreeable features, seeds of chicanery & eternal broils, instead of peace & friendship. At a period not long before that, they had been ready to sign one giving us vastly more than we had ever contemplated; particularly in our intercourse with their W. Indies.—I by no means think of declining the work we have spoken of. On the contrary, I wish with ardor to begin it, since the change of form into which I propose to put it: the first ideas had always oppressed me from a consciousness of my want both of talents & materials to execute it. But it will be impossible for a year to come: and I am not certain whether, even after the present year, I shall not be obliged to put my farms under such direction as that I should be considered as not here as to them, while I should be here as to my papers.

My salutations to mrs. Madison, friendly esteem to mr. Giles, Page, &c.

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P. S. Have you considered all the consequences of your proposition respecting post roads? I view it as a source of boundless patronage to the executive, jobbing to members of Congress & their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post office revenues; but the other revenues will soon be called into their aid, and it will be a scene of eternal scramble among the members, who can get the most money wasted in their State; and they will always get most who are meanest. We have thought, hitherto, that the roads of a State could not be so well administered even by the State legislature as by the magistracy of the county, on the spot. What will it be when a member of N H is to mark out a road for Georgia? Does the power to *establish* post roads, given you by Congress, mean that you shall *make* the roads, or only *select* from those already made, those on which there shall be a post? If the term be equivocal, (& I really do not think it so,) which is the safest construction? That which permits a majority of Congress to go to cutting down mountains & bridging of rivers, or the other, which if too restricted may refer it to the states for amendment, securing still due measure & proportion among us, and providing some means of information to the members of Congress tantamount to that ocular inspection, which, even in our county determinations, the magistrate finds cannot be supplied by any other evidence? The fortification of harbors were liable to great objection. But national circumstances furnished some color. In this case there is none. The

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roads of America are the best in the world except those of France & England. But does the state of our population, the extent of our internal commerce, the want of sea & river navigation, call for such expense on roads here, or are our means adequate to it? Think of all this, and a great deal more which your good judgment will suggest, and pardon my freedom.

TO WILLIAM B. GILES J. MSS.

MONTICELLO, Mar 19, 96.

I know not when I have received greater satisfaction than on reading the speech of Dr. Lieb, in the Pennsylvania Assembly. He calls himself a new member. I congratulate honest republicanism on such an acquisition, and promise myself much from a career which begins on such elevated ground. We are in suspense here to see the fate and effect of mr. Pitt's bill against democratic societies. I wish extremely to get at the true history of this effort to suppress freedom of meeting, speaking, writing and printing. Your acquaintance with Sedgwick will enable you to do it. Pray get from him the outlines of the bill he intended to have brought in for this purpose. This will enable us to judge whether we have the merit of the invention; whether we were really beforehand with the British minister on this subject; whether he took his hint from our proposition, or whether the concurrence in the sentiment is merely the result of the general truth that great men will think alike and act alike, tho without intercommuni-

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cation. I am serious in desiring extremely the outlines of the bill intended for us. From the debates on the subject of our seamen, I am afraid as much harm as good will be done by our endeavors to arm our seamen against impressments. It is proposed I observe to register them & give them certificates of citizenship to protect them from foreign impressment. But these certificates will be lost in a thousand ways; a sailor will neglect to take his certificate; he is wet twenty times in a voyage; if he goes ashore without it, he is impressed; if with it, he gets drunk, it is lost, stolen from him, taken from him, and then the want of it gives authority to impress, which does not exist now. After ten years' attention to the subject, I have never been able to devise anything effectual, but that the circumstance of an American bottom be made *ipso facto*, a protection for a number of seamen porportioned to her tonnage; to oblige American captains when called on by foreign officers, to parade the men on deck, which would show whether they exceeded their own quota, and allow the foreign officers to send 2. or 3. persons aboard and hunt for any suspected to be concealed. This, mr. Pinckney was instructed to insist upon with Great Britain; to accept of nothing short of it; and, most especially, not to agree that a certificate of citizenship should be requirable from our seamen; because it would be made a ground for the authorized impressment of them. I am still satisfied that such a protection will place them in a worse situation than they are at present. It is true, the British minister has not shown any disposition to accede to my proposition: but it was not

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totally rejected; and if he still refuses, lay a duty of 1 d. sterling a yard on British oznabrigs, to make a fund for paying the expenses of the agents you are obliged to employ to seek out our suffering seamen. I congratulate you on the arrival of mr. Ames & the British treaty. The newspapers had said they would arrive together. We have had a fine winter. Wheat looks well. Corn is scarce and dear. 22/ here, 30/ in Amherst. Our blossoms are but just opening. I have begun the demolition of my house, and hope to get through its re-edification in the course of the summer. But do not let this discourage you from calling on us if you wander this way in the summer. We shall have the eye of a brick-kiln to poke you into, or an Octagon to air you in. Adieu affectionately.

TO JAMES MONROE MON. MSS.

MONTICELLO Mar. 21. 96.

DEAR SIR,—I wrote you on the 2^{d} inst. and now take the liberty of troubling you in order to have the inclosed letter to Mr Gautier safely handed to him. I will thank you for information that it gets safely to hand, as it is of considerable importance to him, to the U S. to the state of Virginia, & to myself, by conveying to him the final arrangement of the accounts of Grand & Co. with all those parties.

Mr Jones happened fortunately to come into our neighborhood a few days after the date of my last, and ordered the proper ground to be inclosed & reserved for trees for you. My gardener is this day

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gone to plant such as we had, which will serve for a beginning. We shall engraft more for you this spring & plant them the next.

The British treaty has been formally at length laid before Congress. All America is a tip-toe to see what the H. of Representatives will decide on it. We conceive the constitutional doctrine to be that tho' the P. & Senate have the general power of making treaties yet whenever they include in a treaty matters confided by the constitution to the three branches of legislature, an act of legislation will be requisite to confirm these articles, and that the H. of Repr. as one branch of the legislature are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not. On the precedent now to be set will depend the future construction of our constitution, and whether the powers of legislation shall be transferred from the P. Senate & H. of R. to the P. Senate & Piarningo or any other Indian, Algerine or other chief. It is fortunate that the first decision is to be in a case so palpably atrocious as to have been predetermined by all America.—The appointm^{ts}. of Elsworth C. J. and Chace one of the judges is doubtless communicated to you. My friendly respects to mrs Monroe. Adieu affectionately.

TO JAMES MADISON MAD. MSS.

Mar. 27, 96.

Yours of the 13th is received. I am enchanted with mr. Gallatin's speech in Bache's paper of

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Mar. 14. It is worthy of being printed at the end of the Federalist, as the only rational commentary on the part of the constitution to which it relates. Not that there may not be objections, and difficult ones, to it, and which I shall be glad to see his answers to; but if they are never answered, they are more easily to be gulped down than those which lie to the doctrines of his opponents, which do in fact annihilate the whole of the powers given by the constitution to the legislature. According to the rule established by usage & common sense, of construing one part of the instrument by another, the objects on which the P & S may exclusively act by treaty are much reduced, but the field on which they may act with the sanction of the legislature, is large enough; and I see no harm in rendering their sanction necessary, and not much harm in annihilating the whole treaty-making power, except as to making peace. If you decide in favor of your right to refuse co-operation in any case of treaty, I should wonder on what occasion it is to be used, if not on one where the rights, the interest, the honor & faith of our nation are so grossly sacrificed; where a faction has entered into a conspiracy with the enemies of their country to chain down the legislature at the feet of both; where the whole mass of your constituents have condemned this work in the most unequivocal manner, and are looking to you as their last hope to save them from the effects of the avarice & corruption of the first agent, the revolutionary machinations of others, and the incomprehensible acquiescence of the only honest man who has assented to it. I wish that his honesty and his political

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errors may not furnish a second occasion to exclaim, "curse on his virtues, the 've undone his country."— Cold weather, mercury at 26. in the morning. Corn fallen at Richmond to 20/—stationary here; Nicholas sure of his election; R. Jouett and Jo. Monroe in competition for the other vote of the county. Affections to mrs. M. and yourself. Adieu.

TO JAMES MADISON MAD. MSS.

Apr. 17, 1796.

DEAR SIR,—Yours of the 4th came to hand the day before yesterday. I have turned to the Conventional history, and enclose you an exact copy of what is there on the subject you mentioned. I have also turned to my own papers, & send you some things extracted from them, which shew that the recollection of the P has not been accurate when he supposed his own opinion to have been uniformly that declared in his answer of Mar 30. The records of the Senate will vouch for this. * * *

Extract, verbatim, from last page but one & the last page.

"Mr. King suggested that the journals of the Convention should be either destroyed, or deposited in the custody of the President. He thought, if suffered to be made public, a bad use would be made of them by those who would wish to prevent the adoption of the constitution.

"Mr. Wilson preferred the 2d expedient. He had

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at one time liked the first best; but as false suggestions may be propagated, it should not be made impossible to contradict them.

"A question was then put on depositing the journals & other papers of the Convention in the hands of the President, on which N H, ay, M, ay, Ct, ay, N J, ay, Penna, ay, Del, ay, Md, no, Virga, ay, N C, ay, S C, ay, Georgia, ay. This negative of Maryland was occasioned by the language of the instructions to the Deputies of that state, which required them to report to the state the *proceedings* of the Convention.

"The President having asked what the Convention meant should be done with the journals, &c., whether copies were to be allowed to the members, if applied for, it was resolved *nem. con.* 'that he retain the journals & other papers subject to the order of the Congress, if ever formed under the Constitution.'

"The members then proceeded to sign the instrument, &c."

"In the Senate, Feb 1, 1791.

"The commee, to whom was referred that part of the speech of the Prt of the U S, at the opening of the session, which relates to the commerce of the Mediterranean, & also the letter from the Secy of state, dated 20 Jan, 1791, with the papers accompanying the same, reported: whereupon,

"*Resolved*, that the Senate do advise & consent, that the Pr of the U S take such measures as he may think necessary for the redemption of the citizens of the U S, now in captivity at Algiers, provided the

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expense shall not exceed 40,000. Dolls, & also, that measures be taken to confirm the treaty now existing between the U S and the Emperor of Morocco."

The above is a copy of a resoln of Senate, referred to me by the Pt, to prepare an answer to, and I find immediately following this, among my papers, a press copy, from an original written fairly in my own hand, ready for the P's signature, & to be given in to the Senate, the following answer:

"Gent of the Senate,—

"I will proceed to take measures for the ransom of our citizens in captivity at Algiers, in conformity with your resoln of advice of the 1st inst, so soon as the moneys necessary shall be appropriated *by the Legislature*, & shall be in readiness.

"The recognition of our treaty with the new Emperor of Morocco requires also previous appropriation & provision. The importance of this last to the liberty & property of our citizens, induces me to urge it on your earliest attention."

Tho' I have no memm. of the delivery of this to the Senate, yet I have not the least doubt it was given in to them, & will be found among their records.

I find among my press copies, the following in my hand writing:

"The committee to report, that the President does not think that circumstances will justify, in the present instance, his entering into *absolute* engage-

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ments for the ransom of our captives in Algiers, nor calling for money from the treasury, nor raising it by loan, without previous authority from *both branches* of the legislature."

"Apr 9, 1792."

I do not recollect the occasion of the above paper with certainty; but I think there was a comme appointed by the Senate to confer with the P on the subject of the ransom, and to advise what is there declined, and that a member of the commee advising privately with me as to the report they were to make to the House, I minuted down the above, as the substance of what I conceived to be the proper report, after what had passed with the Prt, and gave the original to the member, preserving the press copy. I think the member was either mr. Izard or mr. Butler, and have no doubt such a report will be found on the files of the Senate.

On the 8th of May following, in consequence of questions proposed by the Prt to the Senate, they came to a resolution, on which a mission was founded.

* * *

TO PHILLIP MAZZEI J. MSS.

MONTICELLO, Apr. 24, 1796.

MY DEAR FRIEND,—Your letter of Oct. 26. 1795. is just received and gives me the first information that the bills forwarded for you to V. S. & H. of Amsterdam on V. Anderson for £39-17-10½ & on George Barclay for £70-8-6 both of London have

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been protested. I immediately write to the drawers to secure the money if still unpaid. I wonder I have never had a letter from our friends of Amsterdam on that subject as well as acknoleging the subsequent remittances. Of these I have apprised you by triplicates, but for fear of miscarriage will just mention that on Sep. 8. I forwarded them Hodgden's bill on Robinson Saunderson & Rumney of Whitehaven for £300. and Jan. 31. that of the same on the same for £137-16-6 both received from mr. Blair for your stock sold out. I have now the pleasure to inform you that Dohrman has settled his account with you, has allowed the New York damage of 20. per cent for the protest, & the New York interest of 7. per cent. and after deducting the partial payments for which he held receipts the balance was three thousand & eighty-seven dollars which sum he has paid into mr. Madison's hands & as he (mr. Madison) is now in Philadelphia, I have desired him to invest the money in good bills on Amsterdam & remit them to the V. Staphorsts & H. whom I consider as possessing your confidence as they do mine beyond any house in London. The pyracies of that nation lately extended from the sea to the debts due from them to other nations renders theirs an unsafe medium to do business through. I hope these remittances will place you at your ease & I will endeavor to execute your wishes as to the settlement of the other small matters you mention: tho' from them I expect little. E. R.[1] is bankrupt, or tantamount to it. Our friend M. P.[2] is embarrassed, having lately sold the

[1] Edmund Randolph. [2] Mann Page.

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fine lands he lives on, & being superlatively just & honorable I expect we may get whatever may be in his hands. Lomax is under greater difficulties with less means, so that I apprehend you have little more to expect from this country except the balance which will remain for Colle after deducting the little matter due to me, & what will be recovered by Anthony. This will be decided this summer.

I have written to you by triplicates with every remittance I sent to the V. S. & H. & always recapitulated in each letter the objects of the preceding ones. I enclosed in two of them some seeds of the squash as you desired. Send me in return some seeds of the winter vetch, I mean that kind which is sewn in autumn & stands thro the cold of winter, furnishing a crop of green fodder in March. Put a few seeds in every letter you may write to me. In England only the spring vetch can be had. Pray fail not in this. I have it greatly at heart.[1]

[1] From this point begins the extract which is known as the "Mazzei letter." It originally appeared in a Florentine paper, from the Italian text was translated into French and printed in the *Moniteur*, and from that was retranslated into English, first appearing in America in *The Minerva* of May 14, 1797, as follows:

"*Translated for the Minerva, from the Paris Monitor, of January 25.*

"FLORENCE, January 1, 1797.

"From Mr. Jefferson, late Minister of the United States in France, and Secretary of the Department of Foreign Affairs, to a Citizen of Virginia.

"This letter literally translated is addressed to M. Mazzei, author of Researches, historical and political, upon the United States of America, now resident in Tuscany.

'Our political situation is prodigiously changed since you left us. Instead of that noble love of liberty, and that republican government, which carried us triumphantly thro the dangers of the war, an Anglo-

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The aspect of our politics has wonderfully changed since you left us. In place of that noble love of liberty, & republican government which carried us triumphantly thro' the war, an Anglican monarchical, & aristocratical party has sprung up, whose

Monarchio-Aristocratic party has arisen. Their avowed object is to impose on us the *substance*, as they have already given us the *form*, of the British government. Nevertheless, the principal body of our citizens remain faithful to republican principles. All our proprietors of lands are friendly to those principles, as also the mass of men of talents. We have against us (republicans) the *Executive Power*, the *Judiciary Power*, (two of the three branches of our government) *all the officers of government, all who are seeking offices, all timid men who prefer the calm of despotism to the tempestuous sea of liberty, the British merchants and the Americans who trade on British capitals, the speculators, persons interested in the bank and the public funds.* [Establishments invented with views of corruption, and to assimilate us to the British model in its corrupt parts.

'I should give you a fever, if I should name the apostates who have embraced these heresies; men who were Solomons in council, and Samsons in combat, but whose hair has been cut off by the whore England. [In the original, *par la catin Angleterre*, probably alluding to the woman's cutting off the hair of Sampson and his loss of strength thereby.]

'They would wrest from us the liberty which we have obtained by so much labor and peril; but we shall preserve it. Our mass of weight and riches is so powerful, that we have nothing to fear from any attempt against us by force. It is sufficient that we guard ourselves, and that *we break the lilliputian ties* by which they have bound us, in the first slumbers which succeeded our labors. It suffices that we arrest the progress of that system of ingratitude and injustice towards France, from which they would alienate us, to bring us under British influence, &c.'

"Thus far the letter; to which are subjoined, in the French paper, the following remarks:

'This interesting letter from one of the most virtuous and enlightened citizens of the United States, explains the conduct of the Americans in regard to France. It is certain that of all the neutral and friendly powers, there is none from which France had a right to expect more interest and succours than from the United States. *She is their true mother country, since she has assured to them their liberty and inde-*

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avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles; the whole landed interest is republican, and so is a great

pendence. Ungrateful children, instead of abandoning her, *they ought to have* armed in her defense. But if imperious circumstances had prevented them from openly declaring for the Republic of France, they ought at least to have made demonstrations and excited apprehensions in England, that at some moment or other they should declare themselves. This fear alone would have been sufficient to force the cabinet of London to make peace. It is clear that a war with the United States would strike a terrible blow at the commerce of the English, would give them uneasiness for the preservation of their possessions on the American continent, and deprive them of the means of conquering the French and Dutch colonies.

'Equally ungrateful and impolitic, the Congress hastens to encourage the English, that they might pursue in tranquility their war of extermination against France and to invade the Colonies and the commerce of England.* They sent to London, a minister, Mr. Jay known by his attachment to England, and his personal relations to Lord Grenville, and he conducted suddenly a treaty of Commerce which united them with Great Britain, more than a treaty of alliance.

'Such a treaty, under all the peculiar circumstances, and by the consequences which it must produce, is *an act of hostility against France.* The French government in short has testified the resentment of the French nation, by breaking off communication with *an ungrateful and faithless ally*, until she shall return to a more just and benevolent conduct. Justice and sound policy equally approve this measure of the French government. There is no doubt it will give rise, in the United States, to discussions which may afford a *triumph to the party of good republicans, the friends of France.*

'Some writers in disapprobation of this wise and necessary measure of the directory, maintain that in the United States, the French have for partizans only certain demagogues who aim to overthrow the existing government. But their imprudent falsehoods convince no one, and prove only what is too evident, that they use the liberty of the press, to serve the enemies of France.'

"[The foregoing letter wears all the external marks of authenticity.

* There seems to be a mistake in the original in this passage, or we mistake the construction.—Translator.

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mass of talents. Against us are the Executive, the Judiciary, two out of three branches of the legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants & Americans trading on British capitals, speculators & holders in the banks & public funds, a contrivance invented for the purposes of corruption, & for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field & Solomons in the council, but who have had their heads shorn by the

And yet it seems hardly possible an American could be capable of writing such a letter. As the letter is circulating in Europe, we deem it just, if a forgery, to give Mr. Jefferson an opportunity to disavow it.]"

Upon this publication in America, and Jefferson's failure to repudiate it, he was savagely attacked by the Federal press. He attempted no public explanation or palliation, but to his friends (see *post.*, letter to Madison, June 3, 1797), he sought to blame the translation for the stronger expressions, and many years later, in his letter to Van Buren (June 24, 1824), he tried to explain away the apparent allusions to Washington, even becoming insincere in his endeavors to prove that his references did not allude to his former chief. So far as this point is concerned, it is only necessary to note that the criticism on Washington in this letter is far less severe than Jefferson was writing to others in these years, and that Washington himself took the references so wholly to himself, that from the publication of this letter he ceased all correspondence and intercourse with his former secretary. Nor is it probable that Jefferson's attempt to discredit the public version at the time was so much a repudiation of what he had written, as it was a political desire to avoid the unpopularity of being known as the critic of one whom he had himself to acknowledge had such personal popularity "that the people will support him in whatever he will do or will not do, without appealing to their own reason or to anything but their feelings toward him."

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harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors & perils. But we shall preserve them; and our mass of weight & wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to awake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors. I will forward the testimonial of the death of mrs. Mazzei, which I can do the more incontrovertibly as she is buried in my grave yard, and I pass her grave daily. The formalities of the proof you require, will occasion delay. John Page & his son Mann are well. The father remarried to a lady from N. York. Beverley Randolph *e la sua consorte* living & well. Their only child married to the 2d of T. M. Randolph. The eldest son you know married my eldest daughter, is an able learned & worthy character, but kept down by ill health. They have two children & still live with me. My younger daughter well. Colo. Innis is well, & a true republican still as are all those before named. Colo. Monroe is our M. P. at Paris a most worthy patriot & honest man. These are the persons you inquire after. I begin to feel the effects of age. My health has suddenly broke down, with symptoms which give me to believe I shall not have much to encounter of the *tedium vitæ*. While it remains, however, my heart will be warm in it's friendships, and among these, will always foster the affection with which I am, dear Sir, your friend and servant.

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CONTRACT J. MSS.

This indenture made on the 12th day of May, 1796, between Thomas Jefferson of Virginia of the one part and Nicholas and Jacob Vanstaphorst and Hubbard of Amsterdam, bankers, of the other part, witnesseth that whereas the sd Thomas is indebted to them in the two sums of one thousand and four dollars fifty-four cents, and eight hundred and eighty-eight dollars sixty seven cents, making together eighteen hundred ninety three dollars twenty one cents for so much paid for him by them to the United States, for the purpose of securing the said whole sum last mentioned, to them, and in consideration that they will forbear to demand by process in law one third of the sd sum & interest till July 1797, one other third & interest till July 1798. and one other third & interest till July 1799. And for the further considn. of five shillings to him by them paid he the sd Thomas hath given granted & conveyed to the sd Nicholas and Jacob Van Staphorst & Hubbard the following slaves, to wit, Ned and Jenny his wife & Ned, Fanny, Dick, Gill & Scilla their children, Rachel & Nancy & Abraham her children, old Betty and Val. residing at the lands of the sd Thomas in Albermarle called Tufton, and Bagwell & Minerva his wife and Ursulla, and Mary and Virginia their children residing on his lands in Albermarle called Lago, in all seventeen, to have & to hold the sd slaves to the sd Nicholas & Jacob Van Staphorst & Hubbard their heirs exrs. & admrs. Provided that if the sd Thomas shall pay to the sd. Nicholas & Jacob Van Staphorst & Hubbard one third of the

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sd debt & interest before July, 1797. one other third before July 1798. and one-third before July 1799. or if they should demand in law earlier paiment then these presents to be void. In witness whereof the sd Thomas hath set his hand and seal the day and year first above written.

TO JAMES MONROE MON. MSS.

June 12, 1796.

The dreadful misfortune of poor Derieux, who has lost his house & all it's contents by fire occasions the present letter to cover one from him to his aunt. I send it open for your perusal. Be so good as to seal & send it. I hope she will, if she has not done it already, send him some relief.

I received only 3. weeks ago your favor of Nov. 18. It has been 5. months on it's way to me. The reason for engaging laborers to prepare for your buildings was then over. They are to be got only about the new year's day. To this is added that the plan you promised to send me is not come. It is perhaps not unfortunate that nothing was begun this year. Corn @ 25/ to 30/ a barrel would have rendered building this year extremely dear. It does so to me who had engaged in it before that circumstance was foreseen. If your plan arrives, I will consult with Mr. Jones, and according to the result of our Consultation make preparations in the winter for the next year's work.

Congress has risen. You will have seen by their proceedings the truth of what I always observed to you, that one man outweighs them all in influence

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over the people who have supported his judgment against their own & that of their representatives. Republicanism must lie on it's oars, resign the vessel to it's pilot, and themselves to the course he thinks best for them.—I had always conjectured, from such facts as I could get hold of, that our public debt was increasing about a million of dollars a year. You will see by Gallatin's speeches that the thing is proved. You will see further that we are compleatly saddled & bridled, & that the bank is so firmly mounted on us that we must go where they will guide. They openly publish a resolution that the national property being increased in value they must by an increase of circulating medium furnish an adequate representation of it, and by further additions of active capital promote the enterprises of our merchants. It is supposed that the paper in circulation in and around Philadelphia amounts to 20. millions of Doll. and that in the whole union to 100. millions. I think the last too high. All the imported commodities are raised about 50 per cent. by the depreciation of the money. Tob^{o} shares the rise because it has no competition abroad. Wheat has been extravagantly high from other causes. When these cease, it must fall to it's antient nominal price notwithstanding the depreciation of that, because it must contend at market with foreign wheats. Lands have risen within the notice of the papers, and as far out as that can influence. They are not risen at all here. On the contrary they are lower than they were 20. years ago. Those I had mentioned to you, to wit, Carter's & Colle were sold before your

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letter came. Colle @ two dollars the acre. Carter's had been offered me for two French crowns (13/2). Mechanics here get from a dollar to a dollar & a half a day, yet are much worse off than at old prices.— Volney is with me at present. He is on his way to the Illinois. Some late appointments judiciary & diplomatic you will have heard and stared at. The death of R. Jouett is the only small news in our neighborhood. Our best affections attend Mrs. Monroe, Eliza & yourself.

TO GEORGE WASHINGTON J. MSS.

MONTICELLO, June 19, 1796.

DEAR SIR,—In Bache's *Aurora*, of the 9th inst which came here by the last post, a paper appears, which, having been confided, as I presume, to but few hands, makes it truly wonderful how it should have got there. I cannot be satisfied as to my own part, till I relieve my mind by declaring, and I attest everything sacred & honorable to the declaration, that it has got there neither thro' me nor the paper confided to me. This has never been from under my own lock & key, or out of my own hands. No mortal ever knew from me, that these questions had been proposed. Perhaps I ought to except one person, who possesses all my confidence, as he has possessed yours. I do not remember, indeed, that I communicated it even to him. But as I was in the habit of unlimited trust & council with him, it is possible I may have read it to him; no more: for

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the quire of which it makes a part was never in any hand but my own, nor was a word ever copied or taken down from it, by any body. I take on myself, without fear, any divulgation on his part. We both know him incapable of it. From myself, then, or my paper, this publication has never been derived. I have formerly mentioned to you, that from a very early period of my life, I had laid it down as a rule of conduct, never to write a word for the public papers. From this, I have never departed in a single instance; & on a late occasion, when all the world seemed to be writing, besides a rigid adherence to my own rule, I can say with truth, that not a line for the press was ever communicated to me, by any other, except a single petition referred for my correction; which I did not correct, however, though the contrary, as I have heard, was said in a public place, by one person through error, thro' malice by another. I learn that this last has thought it worth his while to try to sow tares between you & me, by representing me as still engaged in the bustle of politics, & in turbulence & intrigue against the government. I never believed for a moment that this could make any impression on you, or that your knowledge of me would not overweigh the slander of an intriguer, dirtily employed in sifting the conversations of my table, where alone he could hear of me; and seeking to atone for his sins against you by sins against another, who had never done him any other injury than that of declining his confidences. Political conversations I really dislike, & therefore avoid where I can without affectation.

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But when urged by others, I have never conceived that having been in public life requires me to belie my sentiments, or even to conceal them. When I am led by conversation to express them, I do it with the same independence here which I have practiced everywhere, and which is inseparable from my nature. But enough of this miserable tergiversator, who ought indeed either to have been of more truth, or less trusted by his country.[1]

While on the subject of papers, permit me to ask one from you. You remember the difference of opinion between Hamilton & Knox on the one part, & myself on the other, on the subject of firing on the *little Sarah*, and that we had exchanged opinions & reasons in writing. On your arrival in Philadelphia I delivered you a copy of my reasons, in the presence of Colo. Hamilton. On our withdrawing he told me he had been so much engaged that he had not been able to prepare a copy of his & General Knox's for you, and that if I would send you the one he had given me, he would replace it in a few days. I immediately sent it to you, wishing you should see both sides of the subject together. I often after applied to both the gentlemen but could never obtain another copy. I have often thought of asking this one, or a copy of it, back from you, but have not before written on subjects of this kind to you. Tho I do not know that it will ever be of the least importance to me, yet one loves to possess arms, tho they hope never to have occasion for them. They possess

[1] Here, in the margin of the copy, is written, apparently at a later date, "General H. Lee."

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my paper in my own handwriting. It is just I should possess theirs. The only thing amiss is, that they should have left me to seek a return of the paper, or a copy of it, from you.

I put away this disgusting dish of old fragments, & talk to you of my peas & clover. As to the latter article, I have great encouragement from the friendly nature of our soil. I think I have had, both the last & present year, as good clover from common grounds, which had brought several crops of wheat & corn without ever having been manured, as I ever saw on the lots around Philadelphia. I verily believe that a yield of 34. acres, sowed on wheat April was twelvemonth, has given me a ton to the acre at it's first cutting this spring. The stalks extended, measured 3½ feet long very commonly. Another field, a year older, & which yielded as well the last year, has sensibly fallen off this year. My exhausted fields bring a clover not high enough for hay, but I hope to make seed from it. Such as these, however, I shall hereafter put into peas in the broadcast, proposing that one of my sowings of wheat shall be after two years of clover, & the other after 2. years of peas. I am trying the white boiling pea of Europe (the Albany pea) this year, till I can get the hog pea of England, which is the most productive of all. But the true winter vetch is what we want extremely. I have tried this year the Caroline drill. It is absolutely perfect. Nothing can be more simple, nor perform it's office more perfectly for a single row. I shall try to make one to sow four rows at a time of wheat or peas, at 12. inches distance. I have one of

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the Scotch threshing machines nearly finished. It is copied exactly from a model mr. Pinckney sent me, only that I have put the whole works (except the horse wheel) into a single frame, movable from one field to another on the two axles of a wagon. It will be ready in time for the harvest which is coming on, which will give it a full trial. Our wheat and rye are generally fine, and the prices talked of bid fair to indemnify us for the poor crops of the two last years.

I take the liberty of putting under your cover a letter to the son of the M. de la Fayette, not exactly, knowing where to direct to him.

With very affectionate compliments to mrs. Washington, I have the honor to be, with great & sincere esteem & respect, Dear Sir, your most obedient & most humble servant.

TO JONATHAN WILLIAMS J. MSS.

MONTICELLO, July 3, 1796.

DEAR SIR,—I take shame to myself for having so long left unanswered your valuable favor on the subject of the mountains. But in truth, I am become lazy to everything except agriculture. The preparations for harvest, and the length of the harvest itself, which is not yet finished, would have excused the delay however, at all times & under all dispositions. I examined, with great satisfaction, your barometrical estimate of the heights of our mountains; and with the more, as they corroborated conjectures on this subject which I had made before. My estimates had made them a little higher than yours (I speak of the

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blue ridge). Measuring with a very nice instrument the angle subtended vertically by the highest mountain of the Blue ridge opposite to my own house, a distance of about 18. miles southwestward, I made the highest about 2000. f. as well as I remember, for I can no longer find the notes I made. You make the south side of the mountain near Rockfish gap, 1722. f. above Woods'. You make the other side of the mountain 767 f. Mr. Thomas Lewis dec'd, an accurate man, with a good quadrant, made the north side of the highest mountain opposite my house something more (I think) than 1000. f.; but the mountain estimated by him & myself is probably higher than that next Rockfish gap. I do not remember from what principles I estimated the peaks of Otter at 4000. f.; but some late observations of Judge Tucker's coincided very nearly with my estimate. Your measures confirm another opinion of mine, that the blue ridge, on it's south side, is the highest ridge in our country compared with it's base. I think your observations on these mountains well worthy of being published, and hope you will not scruple to let them be communicated to the world.— You wish me to present to the Philosophical society the result of my philosophical researches since my retirement. But, my good Sir, I have made researches into nothing but what is connected with agriculture. In this way, I have a little matter to communicate, and will do it ere long. It is the form of a mould-board *of least resistance.* I had some years ago conceived the principles of it, and I explained them to mr. Rittenhouse. I have since

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reduced the thing to practice, and have reason to believe the theory fully confirmed. I only wish for one of those instruments used in England for measuring the force exerted in the draughts of different ploughs, &c., that I might compare the resistance of my mould-board with that of others. But these instruments are not to be had here. In a letter of this date to mr. Rittenhouse, I mention a discovery in animal history, very signal indeed, of which I shall lay before the society the best account I can, as soon as I shall have received some other materials which are collecting for me.

I have seen, with extreme indignation, the blasphemies lately vended against the memory of the father of American philosophy. But his memory will be preserved and venerated as long as the thunders of heaven shall be heard or feared.

With good wishes to all of his family, and sentiments of great respect & esteem for yourself, I am, dear Sir, your most obedient, and most humble servant.

TO JAMES MONROE MON. MSS.

July 10. 96.

DEAR SIR,—Your brother received a letter from you a few days since in which he says you mention having received but two from me since you left us. I have not been a very troublesome correspondent to you, I acknoledge, but have written letters of the following dates to you, to wit 1794. Mar. 11. Apr. 24. —1795. May 26. Sep. 6.—1796 June 12. In this last

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I acknoleged the receipt of yours of Nov. 18. and mentioned that your plan was not yet come to hand, which with the difficulty & expence of getting laborers at this season would prevent beginning your works till the new year. I have been in daily expectation of hearing of the arrival of Mr. Short, having no news from him since his leaving Madrid for Paris. I am often asked when you will return. My answer is when Eliza is 14. years old. Longer than that you will be too wise to stay. Till then I presume you will retain a post which the public good requires to be filled by a republican. I put under your cover some letters from M. de Liancourt. I wish the present government would permit his return. He is an honest man, sincerely attached to his Country, zealous against its enemies, and very desirous of being permitted to live retired in the bosom of his family. My sincere affection for his connections at Rocheguyon, and most especially for Madame D'anville would render it a peculiar felicity to me to be any ways instrumental in having him restored to them. I have no means however unless you can interpose without giving offence. If you can, I should be much pleased. The Campaign of Congress is closed, tho' the Anglomen have in the end got their treaty through, and so far have triumphed over the cause of republicanism. Yet it has been to them a dear bought victory. It has given the most radical shock to their party which it has ever received: and there is no doubt they would be glad to be replaced on the ground they possessed the instant before Jay's nomination extraordinary. They see that

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nothing can support them but the Colossus of the President's merits with the people, and the moment he retires, that his successor, if a Monocrat, will be overborne by the republican sense of his Constituents, if a republican he will of course give fair play to that sense, and lead things into the channel of harmony between the governors & governed. In the mean time, patience.—Among your neighbors there is nothing new. Mr. Rittenhouse is lately dead. Governor Brook has lost his lady. We have had the finest harvest ever known in this part of the country. Both the quantity & quality of our wheat are extraordinary. We got 15/ a bushel for the last crop, & hope two thirds of that at least for the present one.—Most assiduous court is paid to P. H. He has been offered every thing which they knew he would not accept. Some impression is thought to be made, but we do not believe it is radical. If they thought they could count on him they would run him for V. P. their first object being to produce a schism in this state.

As it is they will run Mr. Pinckney, in which they regard his southern position rather than his principles. Mr. J. and his advocate Camillus are compleatly treaty-foundered. We all join in love to Mrs. Monroe & Elvie, and accept for yourself assurances of sincere & affectionate friendship. Adieu.

TO COLONEL JOHN STUART J. MSS.

MONTICELLO, NOV. 10, 1796.

DEAR SIR,—I have to acknolege the receipt of your last favor, together with the bones of the Great-claw,

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which accompanied it. My anxiety to obtain a thigh bone is such, that I defer communicating what we have to the Philosophical society, in the hope of adding that bone to the collection. We should then be able to fix the stature of the animal, without going into conjecture & calculation, as we should possess a whole limb, from the haunch bone to the claw inclusive. Whenever you announce to me that the recovery of a thigh bone is desperate, I shall make the communication to the Philosophical society. I think it happy that this incident will make known to them a person so worthy as yourself to be taken into their body, and without whose attention to these extraordinary remains, the world might have been deprived of the knowledge of them. I cannot, however, help believing that this animal, as well as the mammoth, are still existing. The annihilation of any species of existence, is so unexampled in any parts of the economy of nature which we see, that we have a right to conclude, as to the parts we do not see, that the probabilities against such annihilation are stronger than those for it. In hopes of hearing from you, as soon as you can form a conclusion satisfactory to yourself, that the thigh bone will or will not be recovered, I remain, with great respect & esteem, Dear Sir, your most obedient servant.

TO JAMES MADISON MAD. MSS.

MONTICELLO, Dec. 17, 1796.

Your favor of the 5th came to hand last night. The first wish of my heart was, that you should have been

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proposed for the administration of the government. On your declining it, I wish any body rather than myself; and there is nothing I so anxiously hope, as that my name may come out either second or third. These would be indifferent to me; as the last would leave me at home the whole year, & the other two-thirds of it. I have no expectation that the Eastern states will suffer themselves to be so much outwitted, as to be made the tools for bringing in P. instead of A. I presume they will throw away their second vote. In this case, it begins to appear possible, that there may be an equal division where I had supposed the republican vote would have been considerably minor. It seems also possible, that the Representatives may be divided. This is a difficulty from which the constitution has provided no issue. It is both my duty & inclination, therefore, to relieve the embarrassment, should it happen; and in that case, I pray you and authorize you fully, to solicit on my behalf that mr. Adams may be preferred. He has always been my senior, from the commencement of my public life, and the expression of the public will being equal, this circumstance ought to give him the preference. And when so many motives will be operating to induce some of the members to change their vote, the addition of my wish may have some effect to preponderate the scale. I am really anxious to see the speech. It must exhibit a very different picture of our foreign affairs from that presented in the adieu, or it will little correspond with my views of them. I think they never wore so gloomy an aspect since the year 83. Let those come to the helm who

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think they can steer clear of the difficulties. I have no confidence in myself for the undertaking.

We have had the severest weather ever known in November. The thermometer was at 12° here & in Goochland, & I suppose generally. It arrested my buildings very suddenly, when eight days more would have completed my walls, & permitted us to cover in. The drought is excessive. From the middle of October to the middle of December, not rain enough to lay the dust. A few days ago there fell a small rain, but the succeeding cold has probably prevented it from sprouting the grain sown during the drought.

Present me in friendly terms to Messrs. Giles, Venable, Page. Adieu affectionately.

P. S. I enclose a letter for Volney because I do not know where to address to him.

Pray send me Gallatin's view of the finances of the U. S. and Paine's lre to the President if within the compass of a conveyance by post.

TO EDWARD RUTLEDGE J. MSS.

MONTICELLO, Dec. 27, 1796.

MY DEAR SIR,— * * * You have seen my name lately tacked to so much of eulogy & of abuse, that I dare say you hardly thought it meant your old acquaintance of '76. In truth, I did not know myself under the pens either of my friends or foes. It is unfortunate for our peace, that unmerited abuse wounds, while unmerited praise has not the power to heal. These are hard wages for the services of all the active & healthy years of one's life. I had retired

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after five & twenty years of constant occupation in public affairs, and total abandonment of my own. I retired much poorer than when I entered the public service, and desired nothing but rest & oblivion. My name, however, was again brought forward, without concert or expectation on my part; (on my salvation I declare it.) I do not as yet know the result, as a matter of fact; for in my retired canton we have nothing later from Philadelphia than of the 2d week of this month. Yet I have never one moment doubted the result. I knew it was impossible mr. Adams should lose a vote North of the Delaware, and that the free and moral agency of the South would furnish him an abundant supplement. On principles of public respect I should not have refused; but I protest before my god, that I shall, from the bottom of my heart, rejoice at escaping. I know well that no man will ever bring out of that office the reputation which carries him into it. The honey moon would be as short in that case as in any other, & its moments of extasy would be ransomed by years of torment & hatred. I shall highly value, indeed, the share which I may have had in the late vote, as an evidence of the share I hold in the esteem of my countrymen. But in this point of view, a few votes more or less will be little sensible, and in every other, the minor will be preferred by me to the major vote. I have no ambition to govern men; no passion which would lead me to delight to ride in a storm. *Flumina amo, sylvasque, inglorius.* My attachment to my home has enabled me to make the calculation with rigor, perhaps with partiality, to the issue which

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keeps me there. The newspapers will permit me to plant my corn, peas, &c., in hills or drills as I please (and my oranges, by-the-bye, when you send them), while our Eastern friend will be struggling with the storm which is gathering over us; perhaps be shipwrecked in it. This is certainly not a moment to covet the helm.

I have often doubted whether most to praise or to blame your line of conduct. If you had lent to your country the excellent talents you possess, on you would have fallen those torrents of abuse which have lately been poured forth on me. So far, I praise the wisdom which has descried & steered clear of a water-spout ahead. But now for the blame. There is a debt of service due from every man to his country, proportioned to the bounties which nature & fortune have measured to him. Counters will pay this from the poor of spirit; but from you, my friend, coin was due. There is no bankrupt law in heaven, by which you may get off with shillings in the pound; with rendering to a single State what you owed to the whole confederacy. I think it was by the Roman law that a father was denied sepulture, unless his son would pay his debts. Happy for you & us, that you have a son whom genius & education have qualified to pay yours. But as you have been a good father in everything else, be so in this also. Come forward & pay your own debts. Your friends, the mr. Pinckneys, have at length undertaken their tour. My joy at this would be complete if you were in gear with them. I love to see honest and honorable men at the helm, men who will not bend their politics to

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their purses, nor pursue measures by which they may profit, & then profit by their measures. *Au diable les Bougres!* I am at the end of my curse and bottom of my page, so God bless you and yours. Adieu affectionately.

TO JOHN ADAMS [1]

MONTICELLO, Dec. 28, 1796.

DEAR SIR,—The public & the papers have been much occupied lately in placing us in a point of opposition to each other. I trust with confidence that less of it has been felt by ourselves personally. In the retired canton where I am, I learn little of what is passing: pamphlets I see never: papers but a few; and the fewer the happier. Our latest intelligence from Philadelphia at present is of the 16th inst. but tho' at that date your election to the first magistracy seems not to have been known as a fact, yet with me it has never been doubted. I knew it impossible you should lose a vote north of the Delaware, and even if that of Pennsylvania should be against you in the mass, yet that you would get enough South of that to place your succession out of danger. I have never one single moment expected a different issue; & tho' I know I shall not be believed, yet it is not the less true that I have never wished it. My neighbors as my compurgators could

[1] From the original in the possession of Dr. Thomas Addis Emmet, of New York.

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aver that fact, because they see my occupations & my attachment to them. Indeed it is impossible that you may be cheated of your succession by a trick worthy the subtlety of your arch-friend of New York who has been able to make of your real friends tools to defeat their and your just wishes. Most probably he will be disappointed as to you; and my inclinations place me out of his reach. I leave to others the sublime delights of riding in the storm, better pleased with sound sleep and a warm birth below, with the society of neighbors, friends & fellow-laborers of the earth, than of spies & sycophants. No one then will congratulate you with purer disinterestedness than myself. The share indeed which I may have had in the late vote, I shall still value highly, as an evidence of the share I have in the esteem of my fellow citizens. But while in this point of view, a few votes less would be little sensible, the difference in the effect of a few more would be very sensible and oppressive to me. I have no ambition to govern men. It is a painful and thankless office. Since the day too on which you signed the treaty of Paris our horizon was never so overcast. I devoutly wish you may be able to shun for us this war by which our agriculture, commerce & credit will be destroyed. If you are, the glory will be all your own; and that your administration may be filled with glory, and happiness to yourself and advantage to us is the sincere wish of one who tho' in the course of our own voyage thro' life, various little incidents have happened or been contrived to separate us, retains still for you the solid esteem of the moments when we

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were working for our independence, and sentiments of respect & affectionate attachment.[1]

[1] Statement by memory, of a letter I wrote to John Adams; copy omitted to be retained.

MONTICELLO, Dec. 28, 1796.

DEAR SIR,—The public, & the public papers, have been much occupied lately in placing us in a point of opposition to each other. I confidently trust we have felt less of it ourselves. In the retired canton where I live, we know little of what is passing. Pamphlets I see none: papers very few, & the fewer the happier. Our last information from Philada is of the 16th inst. At that date the issue of the late election seems not to have been known as a matter of fact. With me, however, its issue was never doubted. I knew the impossibility of your losing a single vote North of the Delaware; and even if you should lose that of Pennsylva in the mass, you would get enough South of that to make your election sure. I never for a single moment expected any other issue; & tho' I shall not be believed, yet it is not the less true, that I never wished any other. My neighbors, as my compurgators, could aver this fact, as seeing my occupations & my attachment to them. It is possible, indeed, that even you may be cheated of your succession by a trick worthy the subtlety of your arch friend of New York, who has been able to make of your real friends tools for defeating their & your just wishes. Probably, however, he will be disappointed as to you; and my inclinations put me out of his reach. I leave to others the sublime delights of riding in the storm, better pleased with sound sleep & a warmer berth below it, encircled with the society of my neighbors, friends, & fellow laborers of the earth, rather than with spies & sycophants. Still, I shall value highly the share I may have had in the late vote, as a measure of the share I hold in the esteem of my fellow citizens. In this point of view, a few votes less are but little sensible, while a few more would have been in their effect very sensible & oppressive to me. I have no ambition to govern men. It is a painful and thankless office. And never since the day you signed the treaty of Paris, has our horizon been so overcast. I devoutly wish you may be able to shun for us this war, which will destroy our agriculture, commerce, & credit. If you do, the glory will be all your own. And that your administration maybe filled with glory & happiness to yourself, & advantage to us, is the sincere prayer of one, who, tho' in the course of our voyage, various little incidents have happened or been contrived to separate us, yet retains for you the solid esteem of the times when we were working for our independence, and sentiments of sincere respect & attachment.

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TO JAMES MADISON MAD. MSS.

Jan. 1. 97.

Yours of Dec. 19. has come safely. The event of the election has never been a matter of doubt in my mind. I knew that the Eastern states were disciplined in the schools of their town meetings to sacrifice differences of opinion to the great object of operating in phalanx, & that the more free & moral agency practiced in the other states would always make up the supplement of their weight. Indeed the vote comes much nearer an equality than I had expected. I know the difficulty of obtaining belief to one's declarations of a disinclination to honors, & that it is greatest with those who still remain in the world. But no arguments were wanting to reconcile me to a relinquishment of the first office or acquiescence under the second. As to the first it was impossible that a more solid unwillingness settled on full calculation, could have existed in any man's mind, short of the degree of absolute refusal. The only view on which I would have gone into it for awhile was to put our vessel on her republican tack before she should be thrown too much to leeward of her true principles. As to the second, it is the only office in the world about which I am unable to decide in my own mind whether I had rather have it or not have it. Pride does not enter into the estimate; for I think with the Romans that the general of today should be a soldier tomorrow if necessary. I can particularly have no feelings which would revolt at a secondary position to mr. Adams. I am his junior in life, was his junior in Congress, his junior in the

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diplomatic line, his junior lately in the civil government. Before the receipt of your letter I had written the enclosed one to him. I had intended it some time, but had deferred it from time to time under the discouragement of a despair of making him believe I could be sincere in it. The papers by the last post not rendering it necessary to change anything in the letter I enclose it open for your perusal, not only that you may possess the actual state of dispositions between us, but that if anything should render the delivery of it ineligible in your opinion, you may return it to me. If mr. Adams can be induced to administer the government on it's true principles, & to relinquish his bias to an English constitution, it is to be considered whether it would not be on the whole for the public good to come to a good understanding with him as to his future elections. He is perhaps the only sure barrier against Hamilton's getting in.

Since my last I have received a packet of books & pamphlets, the choiceness of which testifies that they come from you. The incidents of Hamilton's insurrection is a curious work indeed. The hero of it exhibits himself in all the attitudes of a dexterous balance master.

The Political progress is a work of value & of a singular complexion. The eye of the author seems to be a natural achromatic, which divests every object of the glare of colour. The preceding work under the same title had the same merit. One is disgusted indeed with the ulcerated state which it presents of the human mind: but to cure an ulcer

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we must go to its bottom: & no writer has ever done this more radically than this one. The reflections into which he leads one are not flattering to our species. In truth I do not recollect in all the animal kingdom a single species but man which is eternally & systematically engaged in the destruction of its own species. What is called civilization seems to have no other effect on him than to teach him to pursue the principle of *bellum omnium in omnia* on a larger scale, & in place of the little contests of tribe against tribe, to engage all the quarters of the earth in the same work of destruction. When we add to this that as to the other species of animals, the lions & tigers are mere lambs compared with man as a destroyer, we must conclude that it is in man alone that nature has been able to find a sufficient barrier against the too great multiplication of other animals & of man himself, an equilibrating power against the fecundity of generation. My situation points my views chiefly to his wars in the physical world: yours perhaps exhibit him as equally warring in the moral one. We both, I believe, join in wishing to see him softened. Adieu.[1]

[1] Statement from memory, of a letter I wrote to James Madison: copy omitted to be retained.

MONTICELLO, Jan. 1, 97.

Yours of Dec. 19 is safely received. I never entertained a doubt of the event of the election. I knew that the eastern troops were trained in the schools of their town meetings to sacrifice little differences of opinion to the solid advantages of operating in phalanx, and that the more free and moral agency of the other States would fully supply their deficiency. I had no expectation, indeed, that the vote would have approached so near an equality. It is difficult to obtain full credit to declarations of disinclination to honors, and most so with those who still remain in the world But never was there a more

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TO ARCHIBALD STUART [1]

MONTICELLO, Jan 4, 1797.

DEAR SIR,—In answer to your favor of Dec. 31. & to the question whether adviseable to address the President on the subject of war against France, I shall speak explicitly, because I know I may do it safely to you. Such is the popularity of the President that the people will support him in whatever he will do or will not do, without appealing to their own reason or to anything but their feelings toward him. His mind has been so long used to unlimited applause that it could not brook contradiction, or even advice offered unasked. To advise, when asked, he

solid unwillingness, founded on rigorous calculation, formed in the mind of any man, short of peremptory refusal. No arguments, therefore, were necessary to reconcile me to a relinquishment of the first office, or acceptance of the second. No motive could have induced me to undertake the first, but that of putting our vessel upon her republican tack, and preventing her being driven too far to leeward of her true principles. And the second is the only office in the world about which I cannot decide in my own mind, whether I had rather have it or not have it. Pride does not enter into the estimate. For I think with the Romans of old, that the General of to-day should be a common soldier to-morrow, if necessary. But as to Mr. Adams, particularly, I could have no feelings which would revolt at being placed in a secondary station to him. I am his junior in life, I was his junior in Congress, his junior in the diplomatic line, and lately his junior in our civil government. I had written him the enclosed letter before the receipt of yours. I had intended it for some time, but had put it off, from time to time, from the discouragement of despair to make him believe me sincere. As the information by the last post does not make it necessary to change anything in the letter, I enclose it open for your perusal, as well that you may be possessed of the true state of dispositions between us, as that if there be any circumstance which might render its delivery ineligible, you may return it to me. If Mr. Adams could be induced to administer the government on its true principles, quitting his bias for an English

[1] From the original in the possession of the Virginia Historical Society.

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is very open. I have long thought therefore it was best for the republican interest to soothe him by flattering where they could approve his measures, & to be silent where they disapprove, that they may not render him desperate as to their affections, & entirely indifferent to their wishes, in short to lie on their oars while he remains at the helm, and let the bark drift as his will and a superintending providence shall direct. By his answer to the House of Representatives on the subject of the French war, & also by private information, it seems he is earnest that the war should be avoided, & to have the credit of leaving us in full peace. I think then it is best to

constitution, it would be worthy consideration whether it would not be for the public good, to come to a good understanding with him as to his future elections. He is the only sure barrier against Hamilton's getting in. . . .

The *Political Progress* is a work of value and of a singular complexion. The author's eye seems to be a natural achromatic, divesting every object of the glare of color. The former work of the same title possessed the same kind of merit. They disgust one, indeed, by opening to his view the ulcerated state of the human mind. But to cure an ulcer you must go to the bottom of it, which no author does more radically than this. The reflections into which it leads us are not very flattering to the human species. In the whole animal kingdom I recollect no family but man, steadily and systematically employed in the destruction of itself. Nor does what is called civilization produce any other effect, than to teach him to pursue the principle of the *bellum omnium in omnia* on a greater scale, and instead of the little contest between tribe and tribe, to comprehend all the quarters of the earth in the same work of destruction. If to this we add, that as to other animals, the lions and tigers are mere lambs compared with man as a destroyer, we must conclude that nature has been able to find in man alone a sufficient barrier against the too great multiplication of other animals and of man himself, an equilibrating power against the fecundity of generation. While in making these observations, my situation points my attention to the welfare of man in the physical world, yours may perhaps present him as equally warring in the moral one. Adieu. Yours affectionately.

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leave him to his own movements, & not to risk the ruffling them by what he might deem an improper interference with the constituted authorities. The rather too because we do not hear of any movement in any other quarter concurrent with what you suggest, & because it would scarcely reach him before his departure from office. As to the President elect, there is reason to believe that he (Mr. Adams I mean) is detached from Hamilton, & there is a possibility he may swerve from his politics in a greater or less degree. Should the British faction attempt to urge him to the war by addresses of support with life & fortune, as may happen, it would then be adviseable to counteract their endeavors by dissuasive addresses. At this moment therefore, at our distance from the scene of information & influence, I should think it most adviseable to be silent till we see what turn the new administration will take. At the same time I mix so little with the world, that my opinion merits less attention than anybody's else, and ought not to be weighed against your own good judgment. If therefore I have given it freely, it is because you have desired it, & not because I think it worth your notice.

My information from Philadelphia confirms the opinion I gave you as to the event of the election. Mr. Adams will have a majority of three votes with respect to myself, & whether Mr. Pinckney will have a few more or less than him seems uncertain. The votes of N. H. R. I. and Vermont had not come in, nor those of Georgia & the two Western states. You shall receive a gong by the first conveyance. It is

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but fair reciprocity to give me an opportunity of gratifying you sometimes, and to prove by accepting this, that my repeated intrusions on you have not been too troublesome. It is a great satisfaction to know that the object will be acceptable to you. With every wish for your happiness I am Dear Sir your affectionate friend & servt.

TO JAMES MADISON MAD. MSS.

Jan. 8 97.

Yours of Dec. 25 is safely received. I much fear the issue of the present dispositions of France & Spain. Whether it be in war or in the suppression of our commerce it will be very distressing and our commerce seems to be already sufficiently distressed through the wrongs of the belligerent nations and our own follies. It was impossible the bank and paper-mania should not produce great & extensive ruin. The President is fortunate to get off just as the bubble is bursting, leaving others to hold the bag. Yet, as his departure will mark the moment when the difficulties begin to work, you will see, that they will be ascribed to the new administration, and that he will have his usual good fortune of reaping credit from the good acts of others, and leaving to them that of his errors.—We apprehend our wheat is almost entirely killed: and many people are expecting to put something else in the ground. I have so little expectations from mine, that as much as I am an enemy to tobacco, I shall endeavor to make some for taxes and clothes. In the morning of the

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23d of Dec. my thermometer was 5° below 0, & the 24th it was at 0. The last day of Dec. we had a snow 1½ I. deep & the 4th of this month one of 3. I. deep which is still on the ground. Adieu affectionately.

TO JAMES MADISON MAD. MSS.

MONTICELLO Jan. 16. 97.

DEAR SIR,—The usual accidents of the winter, ice, floods, rains, have prevented the Orange post from coming to Charlottesville the last post-day, so that we have nothing from Philadelphia the last week. I see however by the Richmond papers a probability that the choice of V. P. has fallen on me. I have written the enclosed letter therefore to Mr. Tazewell as a private friend, & have left it open for your perusal. It will explain its own object & I pray you & Mr. Tazewell to decide in your own discretion how it may best be used for its object, so as to avoid the imputation of an indecent forwardness in me.

I observe doubts are still expressed as to the validity of the Vermont election. Surely in so great a case, substance & not form should prevail. I cannot suppose that the Vermont constitution has been strict in requiring particular forms of expressing the legislative will. As far as my disclaimer may have any effect, I pray you to declare it on every occasion foreseen or not foreseen by me, in favor of the choice of the people substantially expressed, & to prevent the phænomenon of a Pseudo-president at so early a day. Adieu. Yours affectionately.

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TO HENRY TAZEWELL J. MSS.

MONTICELLO, Jan 16, 1797.

DEAR SIR,—As far as the public papers are to be credited, I may suppose that the choice of Vice-president has fallen on me. On this hypothesis I trouble you, and only pray, if it be wrong, that you will consider this letter as not written. I believe it belongs to the Senate to notify the V P of his election. I recollect to have heard, that on the first election of President & Vice President, gentlemen of considerable office were sent to notify the parties chosen. But this was the inauguration of our new government, & ought not to be drawn into example. At the 2d election, both gentlemen were on the spot and needed no messengers. On the present occasion, the President will be on the spot, so that what is now to be done respects myself alone; and considering that the season of notification will always present one difficulty, that the distance in the present case adds a second, not inconsiderable, and may in future happen to be sometimes much more considerable, I hope the Senate will adopt that method of notification, which will always be least troublesome and most certain. The channel of the post is certainly the least troublesome, is the most rapid, &, considering also that it may be sent by duplicates & triplicates, is unquestionably the most certain. Inclosed to the postmaster at Charlottesville, with an order to send it by express, no hazard can endanger the notification. Apprehending, that should there be a difference of opinion on this subject in the Senate, my ideas of self-respect might

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be supposed by some to require something more formal & inconvenient, I beg leave to avail myself of your friendship to declare, if a different proposition should make it necessary, that I consider the channel of the post-office as the most eligible in every respect, & that it is to me the most desirable; which I take the liberty of expressing, not with a view of encroaching on the respect due to that discretion which the Senate have a right to exercise on the occasion, but to render them the more free in the exercise of it, by taking off whatsoever weight the supposition of a contrary desire in me might have in the mind of any member.

TO JAMES MADISON MAD. MSS.

Jan. 22, 97.

Yours of the 8th came to hand yesterday. I was not aware of any necessity of going on to Philadelphia immediately, yet I had determined to do it, as a mark of respect to the public, and to do away the doubts which have spread, that I should consider the second office as beneath my acceptance. The journey, indeed, for the month of February, is a tremendous undertaking for me, who have not been seven miles from home since my re-settlement. I will see you about the rising of Congress; and presume I need not stay there a week. Your letters written before the 7th of Feb will still find me here. My letters inform me that mr. A speaks of me with great friendship, and with satisfaction in the prospect of administering the government in concurrence with

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me.[1] I am glad of the first information, because tho I saw that our antient friendship was affected by a little leaven, produced partly by his constitution, partly by the contrivance of others, yet I never felt a diminution of confidence in his integrity, and retained a solid affection for him. His principles of government I knew to be changed, but conscientiously changed. As to my participating in the administration, if by that he meant the executive cabinet, both duty & inclination will shut that door to me. I cannot have a wish to see the scenes of 93. revived as to myself, & to descend daily into the arena like a gladiator, to suffer martyrdom in every conflict. As to duty, the constitution will know me only as the member of a legislative body; and it's principle is, that of a separation of legislative, executive & judiciary functions, except in cases specified. If this principle be not expressed in direct terms, yet it is clearly the spirit of the constitution, & it ought to be so commented & acted on by every friend of free government.

I sincerely deplore the situation of our affairs with

[1] Adams wrote to Tristam Dalton on Jan. 19, 1797:

"P. S. Mr. Jefferson's Letters and Declarations are no surprise to me. We laboured together in high friendship in Congress in 1776 and have lived and acted together very frequently since that time. His Talent and Information I know very well, and have ever believed in his honour, Integrity, his love of Country, and his friends. I may say to you that his Patronage of Paine and Freneau, and his entanglements with Characters and Politicks which have been pernicious, are and have long been a Source of Inquietude and anxiety to me, as they have been to you. But I hope and believe that his advancement and his Situation in the Senate, an excellent School, will correct him. He will have too many French friends about him to flatter him: but I hope we can keep him steady. This is *entre nous*. J. A."

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France. War with them, and consequence alliance with Great Britain, will completely compass the object of the Executive council, from the commencement of the war between France & England; taken up by some of them from that moment, by others more latterly. I still, however, hope it will be avoided. I do not believe mr. A wishes war with France; nor do I believe he will truckle to England as servilely as has been done. If he assumes this front at once, and shews that he means to attend to self-respect & national dignity with both the nations, perhaps the depredations of both on our commerce may be amicably arrested. I think we should begin first with those who first begin with us, and, by an example on them, acquire a right to re-demand the respect from which the other party has departed.— I suppose you are informed of the proceeding commenced by the legislature of Maryland, to claim the South branch of the Potomac as their boundary, and thus of Albemarle, now the central county of the state, to make a frontier. As it is impossible, upon any consistent principles, & after such a length of undisturbed possession, that they can expect to establish their claim, it can be ascribed to no other than an intention to irritate & divide; and there can be no doubt from what bow the shaft is shot. However, let us cultivate Pennsylvania, & we need not fear the universe. The Assembly have named me among those who are to manage this controversy But I am so averse to motion & contest, and the other members are so fully equal to the business, that I cannot undertake to act in it. I wish you

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were added to them. Indeed, I wish & hope you may consent to be added to our Assembly itself. There is no post where you can render greater services, without going out of your State. Let but this block stand firm on it's basis, & Pennsylvania do the same, our Union will be perpetual, & our General Government kept within the bounds & form of the constitution. Adieu affectionately.

TO GEORGE WYTHE J. MSS.

MONTICELLO, Jan. 22. 97.

It seems probable that I will be called on to preside in a legislative chamber. It is now so long since I have acted in the legislative line, that I am entirely rusty in the Parliamentary rules of procedure. I know they have been more studied and are better known by you than by any man in America, perhaps by any man living. I am in hopes that while inquiring into the subject you made notes on it. If any such remain in your hands, however informal, in books or in scraps of paper, and you will be so good as to trust me with them for a little while, they shall be most faithfully returned. If they lie in small compass they might come by post, without regard to expense. If voluminous, mr. Randolph will be passing through Richmond on his way from Varina to this place about the 10th of Feb, and could give them a safe conveyance. Did the Assembly do anything for the preservation by publication of the laws? With great affection, adieu.

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TO JOHN LANGDON J. MSS.

MONTICELLO, Jan. 22, 1797.

DEAR SIR,—Your friendly letter of the 2d inst, never came to hand till yesterday, & I feel myself indebted for the solicitude you therein express for my undertaking the office to which you inform me I am called. I know not from what source an idea has spread itself, which I have found to be generally spread, that I would accept the office of President of the U S, but not of Vice President. When I retired from the office I last held, no man in the Union less expected than I did, ever to have come forward again; and, whatever has been insinuated to the contrary, to no man in the Union was the share which my name bore in the late contest, more unexpected than it was to me. If I had contemplated the thing beforehand, & suffered my will to enter into action at all on it, it would have been in a direction exactly the reverse of what has been imputed to me; but I had no right to a will on the subject, much less to controul that of the people of the U S in arranging us according to our capacities. Least of all could I have any feelings which would revolt at taking a station secondary to mr. Adams. I have been secondary to him in every situation in which we ever acted together in public life for twenty years past. A contrary position would have been the novelty, & his the right of revolting at it. Be assured then, my dear Sir, that if I had had a fibre in my composition still looking after public office, it would have been gratified precisely by the very call you are pleased to announce to me, and no other.

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But in truth I wish for neither honors nor offices. I am happier at home than I can be elsewhere. Since, however; I am called out, an object of great anxiety to me is that those with whom I am to act, shutting their minds to the unfounded abuse of which I have been the subject, will view me with the same candor with which I shall certainly act. An acquaintance of many long years ensures to me your just support, as it does to you the sentiments of sincere respect and attachment with which I am, dear Sir, your friend and servant.

TO DOCTOR JOHN EDWARDS J. MSS.

MONTICELLO, Jan. 22, 97.

DEAR SIR,—I was yesterday gratified with the receipt of your favor of December 15th, which gave me the first information of your return from Europe. On the 28th of Oct I received a letter of July 30. from Colo Monroe, but did not know through what channel it came. I should be glad to see the Defence of his conduct which you possess, tho no paper of that title is necessary for me. He was appointed to an office during pleasure merely to get him out of the Senate, & with an intention to seize the first pretext for exercising the pleasure of recalling him. As I shall be at Philadelphia the first week in March, perhaps I may have an opportunity of seeing the paper there in mr. Madison's hands. I think with you it will be best to publish nothing concerning Colo Monroe till his return, that he may accommodate the complexion of his publication to times & cir-

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cumstances. When you left America you had not a good opinion of the train of our affairs. I dare say you do not find that they have got into better train. It will never be easy to convince me that by a firm yet just conduct in 1793, we might not have obtained such a respect for our neutral rights from Great Britain, as that her violations of them & use of our means to wage her wars, would not have furnished any pretence to the other party to do the same. War with both would have been avoided, commerce & navigation protected & enlarged. We shall now either be forced into a war, or have our commerce & navigation at least totally annihilated, and the produce of our farms for some years left to rot on our hands. A little time will unfold these things, and shew which class of opinions would have been most friendly to the firmness of our government, & to the interests to those for whom it was made. I am, with great respect, dear Sir, your most obedient servant.

TO DOCTOR BENJAMIN RUSH J. MSS.

MONTICELLO, Jan 22, 97.

DEAR SIR,—I received yesterday your kind favor of the 4th instant, and the eulogium it covered on the subject of our late invaluable friend Rittenhouse, & I perused it with the avidity & approbation which the matter & manner of everything from your pen has long taught me to feel. I thank you too for your congratulations on the public call on me to undertake the 2d office in the U S, but still more for the justice

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you do me in viewing as I do the *escape* from the first. I have no wish to meddle again in public affairs, being happier at home than I can be anywhere else. Still less do I wish to engage in an office where it would be impossible to satisfy either friends or foes, and least of all at a moment when the storm is about to burst, which has been conjuring up for four years past. If I am to act however, a more tranquil & unoffending station could not have been found for me, nor one so analogous to the dispositions of my mind. It will give me philosophical evenings in the winter, & rural days in summer. I am indebted to the Philosophical society [for] a communication of some bones of an animal of the lion kind, but of most exaggerated size. What are we to think of a creature whose claws were 8 Inches long, when those of the lion are not 1 1-2 I; whose thigh-bone was 6 1-4 I. diameter; when that of the lion is not 1 1-2 I? Were not these things within the jurisdiction of the rule & compass, and of ocular inspection, credit to them could not be obtained. I have been disappointed in getting the femur as yet, but shall bring on the bones I have, if I can, for the Society, & have the pleasure of seeing you for a few days in the first week of March. I wish the usual delays of the publications of the society may admit the addition to our new volume, of this interesting article, which it would be best to have first announced under the sanction of their authority. I am, with sincere esteem, dear Sir, your friend and servant.

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TO JAMES MADISON MAD. MSS.

Jan. 30, 97.

Yours of the 15th came to hand yesterday. I am very thankful for the discretion you have exercised over the letter. That has happened to be the case, which I knew to be possible, that the honest expression of my feelings towards mr. A might be rendered mal-apropos from circumstances existing, & known at the seat of government, but not seen by me in my retired situation. Mr. A & myself were cordial friends from the beginning of the revolution. Since our return from Europe, some little incidents have happened, which were capable of affecting a jealous mind like his. The deviation from that line of politics on which we have been united, has not made me less sensible of the rectitude of his heart; and I wished him to know this, & also another truth, that I am sincerely pleased at having escaped the late draught for the helm, and have not a wish which he stands in the way of. That he should be convinced of these truths, is important to our mutual satisfaction, & perhaps to the harmony & good of the public service. But there was a difficulty in conveying them to him, & a possibility that the attempt might do mischief there or somewhere else; & I would not have hazarded the attempt, if you had not been in place to decide upon it's expediency. It is now become unnecessary to repeat it by a letter. I have had occasion to write to Langdon, in answer to one from him, in which I have said exactly the things which will be grateful to mr. A. & no more. This I imagine will be shewn to him. * * *

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I have turned to the constitution & laws, and find nothing to warrant the opinion that I might not have been qualified here, or wherever else I could meet with a Senator; every member of that body being authorized to administer the oath, without being confined to time or place, & consequently to make a record of it, and to deposit it with the records of the Senate. However, I shall come on, on the principle which had first determined me,—respect to the public. I hope I shall be made a part of no ceremony whatever. I shall escape into the city as covertly as possible. If Gov Mifflin should show any symptoms of ceremony, pray contrive to parry them. We have now fine mild weather here. The thermometer is above the point which renders fires necessary. Adieu affectionately.

TO JAMES SULLIVAN

MONTICELLO, Feb 9, 1797.

DEAR SIR,—I have many acknolegements to make for the friendly anxiety you are pleased to express in your letter of Jan. 12, for my undertaking the office to which I have been elected. The idea that I would accept the office of President, but not that of Vice President of the U S, had not its origin with me. I never thought of questioning the free exercise of the right of my fellow citizens, to marshal those whom they call into their service according to their fitness, nor ever presumed that they were not the best judges of these. Had I indulged a wish in what manner they should dispose of me, it would precisely have

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coincided with what they have done. Neither the splendor, nor the power, nor the difficulties, nor the fame or defamation, as may happen, attached to the first magistracy, have any attractions for me. The helm of a free government is always arduous, & never was ours more so, than at a moment when two friendly people are like to be committed in war by the ill temper of their administrations. I am so much attached to my domestic situation, that I would not have wished to leave it at all. However, if I am to be called from it, the shortest absences & most tranquil station suit me best. I value highly, indeed, the part my fellow citizens gave me in their late vote, as an evidence of their esteem, & I am happy in the information you are so kind as to give, that many in the Eastern quarter entertain the same sentiment.

Where a constitution, like ours, wears a mixed aspect of monarchy & republicanism, its citizens will naturally divide into two classes of sentiment, according as their tone of body or mind, their habits, connections & callings, induce them to wish to strengthen either the monarchial or the republican features of the constitution. Some will consider it as an elective monarchy, which had better be made hereditary, & therefore endeavor to lead towards that all the forms and principles of its administration. Others will view it as an energetic republic, turning in all its points on the pivot of free and frequent elections. The great body of our native citizens are unquestionably of the republican sentiment. Foreign education, & foreign connections of interest, have produced some excep-

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tions in every part of the Union, North and South, & perhaps other circumstances in your quarter, better known to you, may have thrown into the scale of exceptions a greater number of the rich. Still there, I believe, and here, I am sure, the great mass is republican. Nor do any of the forms in which the public disposition has been pronounced in the last half dozen years, evince the contrary. All of them, when traced to their true source, have only been evidences of the preponderent popularity of a particularly great character. That influence once withdrawn, & our countrymen left to the operation of their own unbiassed good sense, I have no doubt we shall see a pretty rapid return of general harmony, & our citizens moving in phalanx in the paths of regular liberty, order, and a sacrosanct adherence to the constitution. Thus I think it will be, if war with France can be avoided. But if that untoward event comes athwart us in our present point of deviation, nobody, I believe, can foresee into what port it will drive us.

I am always glad of an opportunity of inquiring after my most antient & respected friend mr. Samuel Adams. His principles, founded on the immovable basis of equal right & reason, have continued pure & unchanged. Permit me to place here my sincere veneration for him, & wishes for his health & happiness; & to assure yourself of the sentiments of esteem & respect with which I am, Dear Sir, your most obedient & most humble servant.

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TO ELBRIDGE GERRY J. MSS.

PHILADELPHIA, May 13, 97.

MY DEAR FRIEND,—Your favor of the 4th instt came to hand yesterday. That of the 4th of Apr, with the one for Monroe, has never been received. The first, of Mar 27, did not reach me till Apr 21, when I was within a few days of setting out for this place, & I put off acknoleging it till I should come here. I entirely commend your dispositions towards mr. Adams; knowing his worth as intimately and esteeming it as much as any one, and acknoleging the preference of his claims, if any I could have had, to the high office conferred on him. But in truth, I had neither claims nor wishes on the subject, tho I know it will be difficult to obtain belief of this. When I retired from this place & the office of Secy of state, it was in the firmest contemplation of never more returning here. There had indeed been suggestions in the public papers, that I was looking towards a succession to the President's chair, but feeling a consciousness of their falsehood, and observing that the suggestions came from hostile quarters, I considered them as intended merely to excite public odium against me. I never in my life exchanged a word with any person, on the subject, till I found my name brought forward generally, in competition with that of mr. Adams. Those with whom I then communicated, could say, if it were necessary, whether I met the call with desire, or even with a ready acquiescence, and whether from the moment of my first acquiescence, I did not devoutly pray that the very thing might happen which has happened. The

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second office of this government is honorable & easy, the first is but a splendid misery.

You express apprehensions that stratagems will be used, to produce a misunderstanding between the President and myself. Tho not a word having this tendency has ever been hazarded to me by any one, yet I consider as a certainty that nothing will be left untried to alienate him from me. These machinations will proceed from the Hamiltons by whom he is surrounded, and who are only a little less hostile to him than to me. It cannot but damp the pleasure of cordiality, when we suspect that it is suspected. I cannot help fearing, that it is impossible for mr. Adams to believe that the state of my mind is what it really is; that he may think I view him as an obstacle in my way. I have no supernatural power to impress truth on the mind of another, nor he any to discover that the estimate which he may form, on a just view of the human mind as generally constituted, may not be just in its application to a special constitution. This may be a source of private uneasiness to us; I honestly confess that it is so to me at this time. But neither of us are capable of letting it have effect on our public duties. Those who may endeavor to separate us, are probably excited by the fear that I might have influence on the executive councils; but when they shall know that I consider my office as constitutionally confined to legislative functions, and that I could not take any part whatever in executive consultations, even were it proposed, their fears may perhaps subside, & their object be found not worth a machination.

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I do sincerely wish with you, that we could take our stand on a ground perfectly neutral & independent towards all nations. It has been my constant object thro public life; and with respect to the English & French, particularly, I have too often expressed to the former my wishes, & made to them propositions verbally & in writing, officially & privately, to official & private characters, for them to doubt of my views, if they would be content with equality. Of this they are in possession of several written & formal proofs, in my own hand writing. But they have wished a monopoly of commerce & influence with us; and they have in fact obtained it. When we take notice that theirs is the workshop to which we go for all we want; that with them centre either immediately or ultimately all the labors of our hands and lands; that to them belongs either openly or secretly the great mass of our navigation; that even the factorage of their affairs here, is kept to themselves by factitious citizenships; that these foreign & false citizens now constitute the great body of what are called our merchants, fill our sea ports, are planted in every little town & district of the interior country, sway everything in the former places by their own votes, & those of their dependants, in the latter, by their insinuations & the influence of their ledgers; that they are advancing fast to a monopoly of our banks & public funds, and thereby placing our public finances under their control; that they have in their alliance the most influential characters in & out of office; when they have shewn that by all these bearings on the different branches of the government, they can force

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it to proceed in whatever direction they dictate, and bend the interests of this country entirely to the will of another; when all this, I say, is attended to, it is impossible for us to say we stand on independent ground, impossible for a free mind not to see & to groan under the bondage in which it is bound. If anything after this could excite surprise, it would be that they have been able so far to throw dust in the eyes of our own citizens, as to fix on those who wish merely to recover self-government the charge of subserving one foreign influence, because they resist submission to another. But they possess our printing presses, a powerful engine in their government of us. At this very moment, they would have drawn us into a war on the side of England, had it not been for the failure of her bank. Such was their open & loud cry, & that of their gazettes till this event. After plunging us in all the broils of the European nations, there would remain but one act to close our tragedy, that is, to break up our Union; and even this they have ventured seriously & solemnly to propose & maintain by arguments in a Connecticut paper. I have been happy, however, in believing, from the stifling of this effort, that that dose was found too strong, & excited as much repugnance there as it did horror in other parts of our country, & that whatever follies we may be led into as to foreign nations, we shall never give up our Union, the last anchor of our hope, & that alone which is to prevent this heavenly country from becoming an arena of gladiators. / Much as I abhor war, and view it as the greatest scourge of mankind, and anxiously as I wish to keep out of the broils of

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Europe, I would yet go with my brethren into these, rather than separate from them. But I hope we may still keep clear of them, notwithstanding our present thraldom, & that time may be given us to reflect on the awful crisis we have passed through, and to find some means of shielding ourselves in future from foreign influence, political, commercial, or in whatever other form it may be attempted. I can scarcely withhold myself from joining in the wish of Silas Deane, that there were an ocean of fire between us & the old world.[1])

A perfect confidence that you are as much attached to peace & union as myself, that you equally prize independence of all nations, and the blessings of self-government, has induced me freely to unbosom myself to you, and let you see the light in which I have viewed what has been passing among us from the beginning of the war. And I shall be happy, at all times, in an intercommunication of sentiments with you, believing that the dispositions of the different parts of our country have been considerably misrepresented & misunderstood in each

[1] The following is the last paragraph in the draft of this letter, afterwards stricken out and changed as in the print:

"I shall never forget the prediction of the count de Vergennes that we shall exhibit the singular phænomenon of a fruit rotten before it is ripe, nor cease to join in the wish of Silas Deane that there were an ocean of fire between us & the old world. Indeed my dear friend I am so disgusted with this entire subjection to a foreign power that if it were in the end to appear to be the wish of the body of my countrymen to remain in that vassalege I should feel my unfitness to be an agent in their affairs, and seek in retirement that personal independence without which this world has nothing I value. I am confident you set the same store by it which I do: but perhaps your situation may not give you the same conviction of its existence."

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part, as to the other, and that nothing but good can result from an exchange of information & opinions between those whose circumstances & morals admit no doubt of the integrity of their views.

I remain, with constant and sincere esteem, Dear Sir, your affectionate friend and servant.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, May 18. 97.

I was informed on my arrival here that Govr Pinckney's dispatches had on their first receipt excited in the administration a great deal of passion, that councils were held from day to day, and their ill temper fixed at length in war; that under this impression Congress was called: that the tone of the party in general became high, and so continued till the news of the failure of the bank of England. This first gave it a check, & a great one & they have been cooling down ever since, the most intemperate only still asking permission to arm the vessels for their own defence, while the more prudent disapprove of putting it in the power of their brethren & leaving to their discretion to begin the war for us. The impression was too that the executive had for some time been repenting that they had called us, & wished the measure undone. All the members from North as well as South concurred in attesting that negociation or any thing rather than war was the wish of their constituents. What was our surprise then at receiving the speech which will come

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to you by this post. I need make no observation to you on it. I believe there was not a member of either house, out of the secret, who was not much disappointed. However some had been prepared. The spirit of supporting the Executive was immediately given out in the lower house & is working there. The Senate admits of no fermentation. Tracy, Laurence & Livermore were appointed to draw an answer for them, Venable, Freeman, Rutledge, Griswold & for the representatives the former will be reported to day, & will be in time to be inclosed: the other not till tomorrow when the post will be gone. We hope this last will be in general terms, but this is not certain, a majority as is believed (of the commitee) being for arming the merchantmen, finishing the frigates, fortifying harbors, & making all other military preparations as an aid to negociation. How the majority of the house will be is very doubtful. If all were here, it is thought it would be decidedly pacific, but all are not here & will not be here. The division on the choice of a clerk was 41. for Condy, 40 for Beckley. Besides the loss of the ablest clerk in the US. & the outrage committed on the absent members, prevented by the suddenness of the call & their distance from being here on the 1st day of the session, it excites a fear that the republican interest has lost by the new changes. It is said that three from Virginia separate from their brethren. The hope however is that as the anti-Republicans take the high ground of war, and their opponents are for everything moderate that the most moderate of

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those who came under contrary dispositions will join them. Langdon tells me there is a considerable change working in the minds of the people to the Eastward: that the idea that they have been deceived begins to gain ground, and that were the elections to be now made their result would be considerably different. This however is doubted & denied by others. France has asked of Holland to send away our Minister from them & to treat our Commerce on the plan of their late decree. The Batavian government answered after due consideration that their commerce with us was now their chief commerce, that their money was in our funds, that if they broke off correspondence with us they should be without resources for themselves, for their own public & for France, & therefore declined doing it. France acquiesced. I have this from the President who had it from his son still at Hague. I presume that France has made the same application to Spain. For *I know* that Spain has memorialized our Executive against the effect of the British treaty, as to the articles concerning neutral bottoms, contraband, and the Missisipi, has been pressing for an answer & has not yet been able to obtain one. It does not seem candid to have kept out of sight in the speech this discontent of Spain which is strongly and seriously pronounced & to have thereby left it to be imagined that France is the only power of whom we are in danger.—The failure of the bank of England, & the fear of having a paper tender there, has stopped buying bills of exchange Specie is raked up from all quarters, & remitted for paiments at a

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disadvantage from risks &c. of 20. per cent. The bankruptcies here have been immense. I heard a sensible man well acquainted with them conjecture that the aggregate of the clear losses on all these added together in all the states would be not less than 10. millions of Dollars, a heavy tax indeed, to which are to be added the Maritime spoliations, and this tax falling on only a particular description of Citizens.—Bills of lading are arrived to a merchant for goods shipped from Bordeaux for this place in a vessel in which *Monroe is coming passenger*. We hope hourly therefore to receive him.—Innes is arrived & that board going to work.

May 19. the answer of the Senate is reported by the Commitee. It is perfectly an echo and full as high toned as the speech. Amendments may & will be attempted but cannot be carried.—Note to me the day you receive this that I may know whether I conjecture rightly what is our true post day here.

TO THOMAS PINCKNEY J. MSS.

PHILADELPHIA, May 29, 1797.

DEAR SIR,—I received from you, before I left England, a letter enclosing one from the Prince of Parma. As I learnt soon after that you were shortly to return to America, I concluded to join my acknolegments of it to my congratulations on your arrival; & both have been delayed by a blameable spirit of procrastination, forever suggesting to our indolence that we need not do to-day what may be done tomorrow. Accept these now in all the sincerity of

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my heart. It is but lately I have answered the Prince's letter. It required some time to establish arrangements which might effect his purpose, & I wished also to forward a particular article or two of curiosity. You have found on your return a higher style of political difference than you had left here. I fear this is inseparable from the different constitutions of the human mind, & that degree of freedom which permits unrestrained expression. Political dissension is doubtless a less evil than the lethargy of despotism, but still it is a great evil, and it would be as worthy the efforts of the patriot as of the philosopher, to exclude it's influence, if possible, from social life. The good are rare enough at best. There is no reason to subdivide them by artificial lines. But whether we shall ever be able so far to perfect the principles of society, as that political opinions shall, in it's intercourse, be as inoffensive as those of philosophy, mechanics, or any other, may well be doubted. Foreign influence is the present & just object of public hue and cry, &, as often happens, the most guilty are foremost & loudest in the cry. If those who are truly independent, can so trim our vessels as to beat through the waves now agitating us, they will merit a glory the greater as it seems less possible. When I contemplate the spirit which is driving us on here, & that beyond the water which will view us as but a mouthful the more, I have little hope of peace. I anticipate the burning of our sea ports, havoc of our frontiers, household insurgency, with a long train of et ceteras, which is enough for a man to have met once in his life. The

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exchange, which is to give us new neighbors in Louisiana (probably the present French armies when disbanded) has opened us to combinations of enemies on that side where we are most vulnerable. War is not the best engine for us to resort to, nature has given us one *in our commerce*, which, if properly managed, will be a better instrument for obliging the interested nations of Europe to treat us with justice. If the commercial regulations had been adopted which our legislature were at one time proposing, we should at this moment have been standing on such an eminence of safety & respect as ages can never recover. But having wandered from that, our object should now be to get back, with as little loss as possible, & when peace shall be restored to the world, endeavor so to form our *commercial* regulations as that justice from other nations shall be their mechanical result. I am happy to assure you that the conduct of Gen! Pinckney has met universal approbation. It was marked with that coolness, dignity, & good sense which we expected from him. I am told that the French government had taken up an unhappy idea, that Monroe was recalled for the candor of his conduct in what related to the British treaty, & Gen! Pinckney was sent as having other dispositions towards them. I learn further, that some of their well-informed citizens here are setting them right as to Gen! Pinckney's dispositions, so well known to have been just towards them; & I sincerely hope, not only that he may be employed as envoy extraordinary to them, but that their minds will be better prepared to receive him. I candidly

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acknolege, however, that I do not think the speech & addresses of Congress as conciliatory as the preceding irritations on both sides would have rendered wise. I shall be happy to hear from you at all times, to make myself useful to you whenever opportunity offers, and to give every proof of the sincerity of the sentiments of esteem & respect with which I am, Dear Sir, your most obedient and most humble servant.

TO HORATIO GATES J. MSS.

PHILADELPHIA, May 30, 1797.

DEAR GENERAL,—I thank you for the pamphlet of Erskine enclosed in your favor of the 9th inst, and still more for the evidence which your letter affords me of the health of your mind, and I hope of your body also. Erskine has been reprinted here, & has done good. It has refreshed the memory of those who had been willing to forget how the war between France and England has been produced; and who, apeing St. James', called it a defensive war on the part of England. I wish any events could induce us to cease to copy such a model, & to assume the dignity of being original. They had their paper system, stockjobbing, speculations, public debt, moneyed interest, &c., and all this was contrived for us. They raised their cry against jacobinism and revolutionists, we against democratic societies & anti-federalists; their alarmists sounded insurrection, ours marched an army to look for one, but they could not find it. I wish the parallel may stop here, and that we may

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avoid, instead of imitating, a general bankruptcy and disastrous war.

Congress, or rather the representatives, have been a fortnight debating a more or less irritating answer to the President's speech. The latter was lost yesterday, by 48. against 51. or 52. It is believed, however, that when they come to propose measures leading directly to war, they will lose some of their numbers. Those who have no wish but for the peace of their country, & its independence of all foreign influence, have a hard struggle indeed, overwhelmed by a cry as loud & imposing as if it were true, of being under French influence, & this raised by a faction composed of English subjects residing among us, or such as are English in all their relations & sentiments. However, patience will bring all to rights, and we shall both live to see the mask taken from their faces, and our citizens sensible on which side true liberty & independence are sought. Should any circumstance draw me further from home, I shall with great cordiality pay my respects to you at Rose Hill, & am not without hope of meeting you here some time.

Here, there, & everywhere else, I am with great & sincere attachment & respect, your friend and servant.

TO JAMES MADISON J. MSS.

PHILADELPHIA, June 1, [1797.]

DEAR SIR,—I wrote you on the 18th of May. The address of the Senate was soon after that. The first

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draught was responsive to the speech, & higher toned. Mr. Henry arrived the day it was reported; the addressers had not yet their strength around them. They listened therefore to his objections, recommitted the papers, added him and Tazewell to the committee, and it was reported with considerable alterations; but one great attack was made on it, which was to strike out the clause approving everything heretofore done by the Executive. This clause was retained by a majority of four. They received a new accession of members, held a caucus, took up all the points recommended in the speech, except the raising money, agreed the lists of every committee, and on Monday passed the resolutions & appointed the committees, by an uniform vote of 17 to 11. (Mr. Henry was accidentally absent; Ross not then come.) Yesterday they put up the nomination of J. Q. Adams to Berlin, which had been objected to as extending our diplomatic establishment. It was approved by 18 to 14. (Mr. Tatnall accidentally absent.) From the proceedings we were able to see, that 18 on the one side & 10 on the other, with two wavering votes, will decide every question. Schuyler is too ill to come this session, & Gunn has not yet come. Pinckney (the Genl), John Marshall & Dana are nominated envoys extraordinary to France. Charles Lee consulted a member from Virginia to know whether Marshall would be agreeable. He named you, as more likely to give satisfaction. The answer was, "Nobody of mr. Madison's way of thinking will be appointed."

The representatives have not yet got through their

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address. An amendment of mr. Nicholas', which you will have seen in the papers, was lost by a division of 46 to 52. A clause by mr. Dayton, expressing a wish that France might be put on an equal footing with other nations, was inserted by 52. against 47. This vote is most worthy of notice, because the moderation & justice of the proposition being unquestionable, it shews that there are 47. decided to go all lengths to [*illegible*] They have received a new orator from the district of mr. Ames. He is the son of the Secretary of the Senate. They have an accession from S C also, that State being exactly divided. In the H of Repr. I learned the following facts, which give me real concern. When the British treaty arrived at Charleston, a meeting, as you know, was called, and a committee of seventeen appointed, of whom General Pinckney was one. He did not attend. They waited for him, sent for him; he treated the mission with great hauteur, and disapproved of their meddling. In the course of the subsequent altercations, he declared that his brother, T. Pinckney, approved of every article in the treaty, under the *existing circumstances*, and since that time, the politics of Charleston have been assuming a different hue. Young Rutledge joining Smith and Harper, is an ominous fact as to that whole interest.

Tobacco is at 9. dollars, and flour very dull of sale. A great stagnation in commerce generally. During the present bankruptcy in England, the merchants seem disposed to lie on their oars. It is impossible to conjecture the rising of Congress, as it will depend on the system they decide on; whether

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of prepartaion for war, or inaction. In the vote of 46. to 52. Morgan, Macher & Evans were of the majority, and Clay kept his seat, refusing to vote with either. In that of 47 to 52, Evans was the only one of our delegation who voted against putting France on an equal footing with other nations.

P. M. So far, I had written in the morning. I now take up my pen to add, that the addresses having been reported to the House, it was moved to disagree to so much of the amendment as went to the putting France on an equal footing with other nations, & Morgan and Macher turning tail, (in consequence, as is said, of having been closeted last night by Charles Lee,) the vote was 49. to 50. So the principle was saved by a single vote. They then proposed that compensations for spoliations shall be a *sine qua non*, and this will be decided on tomorrow. Yours affectionately.

TO PEREGRINE FITZHUGH J. MSS.

PHILADELPHIA, June 4, 1797.

DEAR SIR,—I am favoured with yours of May 19, & thank you for your intentions as to the corn & the large white clover which if forwarded to mr. Archibald Stuart at Staunton will find daily means of conveyance from thence to me. That indeed is the nearest post road between you & myself by 60. or 70. miles, the one by Georgetown being very circuitous.

The representatives have at length got through their address. As you doubtless receive the news-

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papers regularly from hence you will have seen in them the address, & all the amendments made or proposed (while mentioning newspapers it is doing a good office to as distant places as yours & mine to observe that Bache has begun to publish his *Aurora* for his country customers on 3. sheets a week instead of six. You observe that the 1st & 4th pages are only of advertisement. The 2d & 3d contain all the essays & laws. He prints therefore his 2d & 3d. pages of Monday's & Tuesday's papers on opposite sides of the same sheet, omitting the 1st & 4th, so that we have the news pages of 2. papers on one. This costs but 5. instead of 8. dollars & saves half the postage. Smith begins in July to publish a *weekly* paper without advertisements which will probably be a good one. Cary's paper is an excellent one & Bradford's compiled by Lloyd perhaps the best in the city; but both of these are daily papers. Thinking this episode on newspapers might not be unacceptable in a position as distant as yours, I return to Congress & to politics.) You will perceive by the votes that the Republican majority of the last congress has been much affected by the changes of the late election. Still however if all were here the majority would be on the same side, though a small one. They will now proceed to consider what is to be done. It is not easy nor safe to prophecy, but I think the expectation is that they will not permit the merchant vessels to arm, that they will leave the militia as it stands for the present season, vote further sums for going on with the fortifications & frigates & prefer borrowing the money

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of the bank to the taking up the subject of taxation generally at this inconvenient season. In fact I consider the calling of Congress so out of season an experiment of the new administration to see how far & on what lines they could count on its support. Nothing new had intervened between the late separation & the summons, for Pinckney's non-reception was then known. It is possible from the complexion of the President's speech that he was disposed or perhaps advised to proceed on a line which would endanger the peace of our country: & though the address is nearly responsive yet it would be too bold to proceed on so small a majority. The first unfavorable event, & even the necessary taxes, would restore preponderance to the side of peace. The nomination of the envoys for France does not prove a thorough conversion to the pacific system. Our greatest security perhaps is in the impossibility of either borrowing or raising the money which would be necessary. I am suggesting an idea on the subject of taxation which might perhaps facilitate much that business & reconcile all parties. That is to say, to lay a land tax leviable in 1798 &c. But if by the last day of 1798 any state bring it's *whole* quota into the federal Treasury, the tax shall be suspended one year for that state. If by the end of the next year they bring another year's tax, it shall be suspended a 2d year as to them & so *toties quoties* forever. If they fail, the federal collectors will go on of course to make their collection. In this way those who prefer excises may raise their quota by excises, & those who prefer land taxes may raise by land taxes,

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either on the federal plan, or on any other of their own which they like better. This would tend, I think, to make the general government popular & to render the state legislatures useful allies & associates instead of rivals, & to mollify the harsh tone of government which has been asserted. I find the idea pleasing to most of those to whom I have suggested it. It will be objected to by those who are for a consolidation. You mention the retirement of mr. Ames. You will observe that he has sent us a successor Mr. H. G. Otis as rhetorical as himself. You have perhaps seen an attack made by a Mr. Luther Martin on the facts stated in the *Notes on Virginia* relative to Logan, his speech, the fate of his family & the share Col. Cresap had in their extermination. I do not desire to enter the field in the newspapers with Mr. Martin, but if any injury has been done Col. Cresap in the statement I have given it shall certainly be corrected whenever another edition of that work shall be published. I have given it as I have received it. I think you told me Cresap had lived in your neighborhood hence I have imagined you could in the ordinary course of conversations in the societies there find the real truth of the whole transaction & the genuine character and conduct of Cresap. If you will be so good as to keep this subject in your mind, to avail yourself of the opportunities of enquiry & evidence which may occur, & communicate the result to me you will singularly oblige me. The proceedings in the federal court of Virginia to overawe the communications between the people & their representatives excite

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great indignation. Probably a great fermentation will be produced by it in that state. Indeed it is the common cause of the confederacy as it is one of their courts which has taken the step. The charges of the federal judges have for a considerable time been inviting the grand juries to become inquisitors on the freedom of speech, of writing & of principle of their fellow-citizens. Perhaps the grand juries in the other states as well as in that of Virginia may think it incumbent in their next presentment to enter protestations against this perversion of their institution from a legal to a political engine, & even to present those concerned in it. The hostile use which is made of whatever can be laid hold of of mine, obliges me to caution the friends to whom I write, never to let my letters go out of their own hands lest they should get into the newspapers. I pray you to present my most friendly respects to your father, & wishes for the continuance of his health & good faculties, to accept yourself assurances of the esteem with which I am dear sir your most obedt & most humble servt.

TO FRENCH STROTHER J. MSS.

PHILADELPHIA, June 8, 1797.

DEAR SIR,—In compliance with the desire you expressed in the few short moments I had the pleasure of being with you at Fredericksburg, I shall give you some account of what is passing here. The President's speech you will have seen; and how far its

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aspect was turned towards war. Our opinion here is that the Executive had that in contemplation, and were not without expectation that the legislature might catch the flame. A powerful part of that has shown a disposition to go all lengths with the Executive; and they have been able to persuade some of more moderate principles to go so far with them as to join them in a very sturdy address. They have voted the compleating & manning the three frigates, & going on with the fortifications. The Senate have gone much further, they have brought in bills for buying more armed vessels, sending them & the frigates out as convoys to our trade, raising more cavalry, more artillerists, and providing a great army, to come into actual service only, if necessary. They have not decided whether they will permit the merchants to arm. The hope & belief is that the Representatives will concur in none of these measures, though their divisions hitherto have been so equal as to leave us under doubt & apprehension. The usual majorities have been from 1. to 6. votes, & these sometimes one way, sometimes the other. Three of the Virginia members dividing from their colleagues occasion the whole difficulty. If they decline these measures, we shall rise about the 17th inst. It appears that the dispositions of the French government towards us wear a very angry cast indeed, and this before Pickering's letter to Pinckney was known to them. We do not know what effect that may produce. We expect Paine every day in a vessel from Havre, & Colo Monroe in one from Bordeaux. Tobacco keeps up to a high price & will

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still rise; flour is dull at 7½ Dollars. I am, with great esteem, dear Sir, your friend and servant.

TO JAMES MADISON[1] J. MSS.

PHILAD. June 8, 97.

Amdmt of address puttg France on equal footing clogged with demand for spoliation, which tho' right in principle, may enable Exve to make it *sine qua non*, to indulge their own disposns to rupture.

Repr. have voted complete & man frigates, go on with fortfycns. Will prob pass bill from Senate prohibg exportn arms & ammunition & preventg our citizens from engaging in armed vessels.

Bills for cavalry—artillery—9 vessels—provnal army. Will pass Senate by 18 to 12.

Permittg merchts to arm negativd. in commee Senate 3 to 2. Bingham's informa that merchts did not wish it. Some of the Senate for it.

Smith & Harper proposed permit merchts to arm yesterday.

Buonaparte's late victory & panic of Brit govmt produced sensible effect here. Before that the party partly from inclinn partly devotn to Exve. willing to meet hostilities from France. Now will not force that nail but doing so much of most innocent things as may veil the folly or boldness of convening Congress, leave more offensive measures to issue of negocn or their own next meeting.

Difficult to say if Republicans have majority. Votes carrd both ways by from 1. to 6. Our 3

[1] Endorsed: "No copy retained. The above is the sum."

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renegadoes make the difference. Clay firm. Never separated but on the vote mentd in former lre.

Paine expected.—Nothing of Monroe.

P. M. Represent. have decided 46 to 34. yt W. India trade shall not arm. Hence augur well of other resolns. Senate have voted on 2d. reading the 9. vessels. Cost 60 M. D. each these bills originating in Senate & going under their sanction to H. Repr in so vibratory a state, have mischievous effect. Expect to rise Saturday 17th. I shall probably be with you 26th or 27th.

TO JOHN MOODY J. MSS.

PHILADELPHIA, June 13. 97.

SIR,—I might sooner have acknoleged the receipt of your favor of May 15. but I could not sooner have done it with anything satisfactory on the subject it concerned. The first opening of the session of Congress was rather inauspicious to those who consider war as among the greatest calamities to our country. Private conversation, public discussion, & thorough calculation, aided by the events of Europe, have nearly brought everyone to the same sentiment, not only to wish for a continuance of peace, but to let no false sense of honor lead us to take a threatening attitude, which to a nation prompt in its passions & flushed with victory might produce a blow from them. I rather believe that Congress will think it best to do little or nothing for the present to give fair play to the negotiation proposed, & in the meantime lie on their oars till their next meeting in November.

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Still however both English & French spoliations continue in a high degree. Perhaps the prospects in Europe may deaden the activity of the former, & call home all their resources, but I see nothing to check the depredations of the French but the natural effect they begin to produce of starving themselves by deterring us from venturing to sea with provisions. This is the best general view I am able to give you of the probable course of things for the summer so far as they may be interesting to commerce. The liberties which the presses take in mutilating whatever they can get hold of, obliges me to request every gentleman to whom I write to take care that nothing from me may be put within their power.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, June 15, 97.—A.M.

My last was of the 8th inst. I had enclosed you separately a paper giving you an account of Buonaparte's last great victory. Since that, we receive information that the preliminaries of peace were signed between France & Austria. Mr. Hammond will have arrived at Vienna too late to influence the terms. The victories lately obtained by the French on the Rhine, were as splendid as Buonaparte's. The mutiny on board the English fleet, tho' allayed for the present, has impressed that country with terror. King has written letters to his friends recommending a pacific conduct towards France, "notwithstanding the continuance of her injustices." Volney

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is convinced France will not make peace with England, because it is such an opportunity for sinking her as she never had & may not have again. Buonaparte's army would have to march 700. miles to Calais. Therefore, it is imagined the armies of the Rhine will be destined for England. The Senate yesterday rejected on it's 2d reading their own bill for raising 4. more companies of light dragoons, by a vote of 15 to 13. Their cost would have been about 120,000 D a year. To-day the bill for manning the frigates & buying 9 vessels @ about 60,000 D each, comes to it's 3d reading. Some flatter us we may throw it out. The trial will be in time to mention the issue herein. The bills for preventing our citizens from engaging in armed vessels of either party, & for prohibitg exportation of arms & ammunition, have passed both houses. The fortification bill is before the Representatives still. It is thought by many that with all the mollifying clauses they can give it, it may perhaps be thrown out. They have a separate bill for manning the 3. frigates, but its fate is uncertain. These are probably the ultimate measures which will be adopted, if even these be adopted. The folly of the convocation of Congress at so inconvenient a season & an expense of 60,000 D, is now palpable to everybody; or rather it is palpable that war was the object, since, that being out of the question, it is evident there is nothing else. However, nothing less than the miraculous string of events which have taken place, to wit, the victories of the Rhine & Italy, peace with Austria, bankruptcy of England, mutiny in her fleet, and King's

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writing letters recommending peace, could have cooled the fury of the British faction. Even all that will not prevent considerable efforts still in both houses to shew our teeth to France. We had hoped to have risen this week. It is now talked of for the 24th, but it is impossible yet to affix a time. I think I cannot omit being at our court (July 3,) whether Congress rises or not. If so, I shall be with you on the Friday or Saturday preceding. I have a couple of pamphlets for you, (*Utrum Horum*, & Paine's *Agrarian Justice*,) being the only things since Erskine which have appeared worth notice. Besides Bache's paper there are 2. others now accommodated to country circulation. Gale's (successor of Oswald) twice a week without advertisements at 4. dollars. His debates in Congress are the same with Claypole's. Also Smith proposes to issue a paper once a week, of news only, and an additional sheet while Congress shall be in session, price 4. dollars. The best daily papers now are Bradford's compiled by Lloyd, and Markland & Cary's. Claypole's you know. Have you remarked the pieces signed Fabius? they are written by John Dickinson.

P. M. The bill before the Senate for equipping the 3 frigates, & buying 9. vessels of not more than 20. guns, has this day passed on it's 3d reading by 16. against 13. The fortification bill before the representatives as amended in commee of the whole, passed to it's 3d reading by 48. against 41. Adieu affectionately, with my best respects to Mrs. Madison.

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TO AARON BURR J. MSS.

PHILADELPHIA, June 17, 1797.

DEAR SIR,—The newspapers give so minutely what is passing in Congress, that nothing of detail can be wanting for your information. Perhaps, however, some general view of our situation & prospects, since you left us, may not be unacceptable. At any rate, it will give me an opportunity of recalling myself to your memory, & of evidencing my esteem for you. You well know how strong a character of division had been impressed on the Senate by the British treaty. Common error, common censure, & common efforts of defence had formed the treaty majority into a common band, which feared to separate even on other subjects. Towards the close of the last Congress, however, it had been hoped that their ties began to loosen, & their phalanx to separate a little. This hope was blasted at the very opening of the present session, by the nature of the appeal which the President made to the nation; the occasion for which had confessedly sprung from the fatal British treaty. This circumstance rallied them again to their standard, and hitherto we have had pretty regular treaty votes on all questions of principle. And indeed I fear, that as long as the same individuals remain, so long we shall see traces of the same division. In the H of Representatives the republican body has also lost strength. The non-attendance of 5. or 6. of that description, has left the majority very equivocal indeed. A few individuals of no fixed system at all, governed by the panic or the prowess of the moment, flap as the

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breeze blows against the republican or the aristocratic bodies, and give to the one or the other a preponderance entirely accidental. Hence the dissimilar aspect of the address, & of the proceedings subsequent to that. The inflammatory composition of the speech excited sensations of resentment which had slept under British injuries, threw the wavering into the war scale, and produced the war address. Buonaparte's victories & those on the Rhine, the Austrian peace, British bankruptcy, mutiny of the seamen, and mr. King's exhortations to pacific measures, have cooled them down again, & the scale of peace preponderates. The threatening propositions therefore, founded in the address, are abandoned one by one, & the cry begins now to be, that we have been called together to do nothing. The truth is, there is nothing to do, the idea of war being scouted by the events of Europe; but this only proves that war was the object for which we were called. It proves that the executive temper was for war; & that the convocation of the Representatives was an experiment on the temper of the nation, to see if it was in unison. Efforts at negociation indeed were promised; but such a promise was as difficult to withhold, as easy to render nugatory. If negociation alone had been meant, that might have been pursued without so much delay, and without calling the Representatives; and if strong & earnest negotiation had been meant, the additional nomination would have been of persons strongly & earnestly attached to the alliance of 1778. War then was intended. Whether abandoned or not, we must judge from

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future indications & events; for the same secrecy & mystery is affected to be observed by the present, which marked the former administration. I had always hoped, that the popularity of the late president being once withdrawn from active effect, the natural feelings of the people towards liberty would restore the equilibrium between the Executive & Legislative departments, which had been destroyed by the superior weight & effect of that popularity; & that their natural feelings of moral obligation would discountenance the ungrateful predilection of the executive in favor of Great Britain. But unfortunately, the preceding measures had already alienated the nation who was the object of them, had excited reaction from them, & this reaction has on the minds of our citizens an effect which supplies that of the Washington popularity. This effect was sensible on some of the late congressional elections, & this it is which has lessened the republican majority in Congress. When it will be reinforced, must depend on events, & these are so incalculable, that I consider the future character of our republic as in the air; indeed its future fortune will be in the air, if war is made on us by France, & if Louisiana becomes a Gallo-American colony.

I have been much pleased to see a dawn of change in the spirit of your State. The late elections have indicated something, which, at a distance, we do not understand. However, what with the English influence in the lower, and the Patroon influence in the upper part of your State, I presume little is to be hoped. If a prospect could be once opened upon us

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of the penetration of truth into the eastern States; if the people there, who are unquestionably republicans, could discover that they have been duped into the support of measures calculated to sap the very foundations of republicanism, we might still hope for salvation, and that it would come, as of old, from the east. But will that region ever awake to the true state of things? Can the middle, Southern & Western states hold on till they awake? These are painful & doubtful questions; and if, in assuring me of your health, you can give me a comfortable solution of them, it will relieve a mind devoted to the preservation of our republican government in the true form & spirit in which it was established, but almost oppressed with apprehensions that fraud will at length effect what force could not, & that what with currents & counter-currents, we shall, in the end, be driven back to the land from which we launched 20. years ago. Indeed, my dear Sir, we have been but a sturdy fish on the hook of a dexterous angler, who, letting us flounce till we have spent our force, brings us up at last.

I am tired of the scene, & this day sen'night shall change it for one, where, to tranquillity of mind may be added pursuits of private utility, since none public are admitted by the state of things.

I am, with great & sincere esteem, dear Sir, your friend and servant.

P. S. Since writing the above, we have received a report that the French Directory has proposed a declaration of war against the U. S. to the Council of Antients, who have rejected it. Thus we see two

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nations who love one another affectionately, brought by the ill temper of their executive administrations, to the very brink of a necessity to imbrue their hands in the blood of each other.

TO ELBRIDGE GERRY J. MSS.

PHILADELPHIA, June 21, 1797.

MY DEAR FRIEND,—It was with infinite joy to me, that you were yesterday announced to the Senate, as envoy extraordinary, jointly with Genl. Pinckney & mr. Marshall, to the French republic. It gave me certain assurance that there would be a preponderance in the mission, sincerely disposed to be at peace with the French government & nation. Peace is undoubtedly at present the first object of our nation. Interest & honor are also national considerations. But interest, duly weighed, is in favor of peace even at the expence of spoliations past & future; & honor cannot now be an object. The insults & injuries committed on us by both the belligerent parties, from the beginning of 1793 to this day, & still continuing, cannot now be wiped off by engaging in war with one of them. As there is great reason to expect this is the last campaign in Europe, it would certainly be better for us to rub thro this year, as we have done through the four preceding ones, and hope that on the restoration of peace, we may be able to establish some plan for our foreign connections more likely to secure our peace, interest & honor, in future. Our countrymen have divided themselves by such strong

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affections, to the French & the English, that nothing will secure us internally but a divorce from both nations; and this must be the object of every real American, and it's attainment is practicable without much self-denial. But for this, peace is necessary. Be assured of this, my dear Sir, that if we engage in a war during our present passions, & our present weakness in some quarters, that our Union runs the greatest risk of not coming out of that war in the shape in which it enters it. My reliance for our preservation is in your acceptance of this mission. I know the tender circumstances which will oppose themselves to it. But it's duration will be short, and it's reward long. You have it in your power, by accepting and determining the character of the mission, to secure the present peace & eternal union of your country. If you decline, on motives of private pain, a substitute may be named who has enlisted his passions in the present contest, & by the preponderance of his vote in the mission may entail on us calamities, your share in which, & your feelings, will outweigh whatever pain a temporary absence from your family could give you. The sacrifice will be short, the remorse would be never ending. Let me, then, my dear Sir, conjure your acceptance, and that you will, by this act, seal the mission with the confidence of all parties. Your nomination has given a spring to hope, which was dead before. I leave this place in three days, and therefore shall not here have the pleasure of learning your determination. But it will reach me in my retirement, and enrich the tranquillity of that scene. It will add to the proofs

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which have convinced me that the man who loves his country on it's own account, and not merely for it's trappings of interest or power, can never be divorced from it, can never refuse to come forward when he finds that she is engaged in dangers which he has the means of warding off. Make then an effort, my friend, to renounce your domestic comforts for a few months, and reflect that to be a good husband and good father at this moment, you must be also a good citizen. With sincere wishes for your acceptance & success, I am, with unalterable esteem, dear Sir, your affectionate friend and servant.

TO JAMES MADISON J. MSS.

PHILADELPHIA, June 22, 97.

The Senate have this day rejected their own bill for raising a provisional army of 15,000 men. I think they will reject that for permitting private vessels to arm. The Representatives have thrown out the bill of the Senate for raising artillery. They (Wednesday) put off one forbidding our citizens to serve in foreign vessels of war till Nov, by a vote of 52. to 44. This day they came to a resolution proposing to the Senate to adjourn on Wednesday, the 28th, by a majority of 4. Thus it is now perfectly understood that the convocation of Congress is substantially condemned by their several decisions that nothing is to be done. I may be with you somewhat later than I expected, say from the 1st to the 4th. Preliminaries of peace between Austria &

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France are signed. Dana has declined the mission to France. Gerry is appointed in his room, being supported in Senate by the republican vote; 6 nays of the opposite description. No news of Monroe or Payne. Adieu.

TO EDWARD RUTLEDGE J. MSS.

PHILADELPHIA, June 24, 97.

MY DEAR SIR,—I have to acknolege your two favors of May 4 & 19, and to thank you for your attentions to the commissions for the peas & oranges, which I learn are arrived in Virginia. Your draft I hope will soon follow on Mr. John Barnes, merchant, here; who, as I before advised you, is directed to answer it.

When Congress first met, the assemblage of facts presented in the President's speech, with the multiplied accounts of spoliations by the French West Indians, appeared by sundry votes on the address, to incline a majority to put themselves in a posture of war. Under this influence the address was formed, & its spirit would probably have been pursued by corresponding measures, had the events of Europe been of an ordinary train. But this has been so extraordinary, that numbers have gone over to those, who, from the first, feeling with sensibility the French insults, as they had felt those of England before, thought now as they thought then, that war measures should be avoided, & those of peace pursued. Their favorite engine, on the former occasion, was *commercial regulations*, in preference to negociations,

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to war preparations & increase of debt. On the latter, as we have no commerce with France, the restriction of which could press on them, they wished for negociation. Those of the opposite sentiment had, on the former occasion, preferred negociation, but at the same time voted for great war preparations, and increase of debt; now also they were for negociation, war preparations & debt. The parties have in debate mutually charged each other with inconsistency, & with being governed by an attachment to this or that of the belligerent nations, rather than the dictates of reason & pure Americanism. But, in truth, both have been consistent; the same men having voted for war measures who did before, & the same against them now who did before. The events of Europe coming to us in astonishing & rapid succession, to wit, the public bankruptcy of England, Buonaparte's successes, the successes on the Rhine, the Austrian peace, mutiny of the British fleet, Irish insurrection, a demand of 43. millions for the current services of the year, and, above all, the warning voice, as is said, of Mr. King, to abandon all thought of connection with Great Britain, that she is going down irrecoverably, & will sink us also, if we do not clear ourselves, have brought over several to the pacific party, so as, at present, to give majorities against all threatening measures. They go on with frigates and fortifications, because they were going on with them before. They direct 80,000 of their militia to hold themselves in readiness for service. But they reject the propositions to raise cavalry, artillery, & a provisional army, & to trust

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private ships with arms in the present combustible state of things. They believe the present is the last campaign of Europe, & wish to rub through this fragment of a year as they have through the four preceding ones, opposing patience to insult, & interest to honor. They will, therefore, immediately adjourn. This is, indeed, a most humiliating state of things, but it commenced in 93. Causes have been adding to causes, & effects accumulating on effects, from that time to this. We had, in 93, the most respectable character in the universe. What the neutral nations think of us now, I know not; but we are low indeed with the belligerents. Their kicks & cuffs prove their contempt. If we weather the present storm, I hope we shall avail ourselves of the calm of peace, to place our foreign connections under a new & different arrangement. We must make the interest of every nation stand surety for it's justice, & their own loss to follow injury to us, as effect follows its cause. As to everything except commerce, we ought to divorce ourselves from them all. But this system would require time, temper, wisdom, & occasional sacrifice of interest; & how far all of these will be ours, our children may see, but we shall not. The passions are too high at present, to be cooled in our day. You & I have formerly seen warm debates and high political passions. But gentlemen of different politics would then speak to each other, & separate the business of the Senate from that of society. It is not so now. Men who have been intimate all their lives, cross the streets to avoid meeting, & turn their heads another

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way, lest they should be obliged to touch their hats. This may do for young men with whom passion is enjoyment. But it is afflicting to peaceable minds. Tranquillity is the old man's milk. I go to enjoy it in a few days, & to exchange the roar & tumult of bulls & bears, for the prattle of my grand-children & senile rest. Be these yours, my dear friend, through long years, with every other blessing, & the attachment of friends as warm & sincere, as yours affectionately.

TO EDMUND RANDOLPH J. MSS.

PHILADELPHIA, June 27, 97.

DEAR SIR,—I have to acknolege the receipt of your two favors of may 26. & 29, which came to hand in due time, and relieved my mind considerably, tho it was not finally done. During the vacation we may perhaps be able to hunt up the letters which are wanting, and get this tornado which has been threatening us, dissipated.

You have seen the speech & the address, so nothing need be said on them. The spirit of both has been so whittled down by Buonaparte's victories, the victories on the Rhine, the Austrian peace, Irish insurgency, English bankruptcy, insubordination of the fleet, &c., that Congress is rejecting one by one the measures brought in on the principles of their own address. But nothing less than such miraculous events as have been pouring in on us from the first of our convening could have assuaged the fermentation produced in men's minds. In consequence of these

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events, what was the majority at first, is by degrees become the minority, so that we may say that in the Representatives moderation will govern. But nothing can establish firmly the republican principles of our government but an establishment of them in England. France will be the apostle for this. We very much fear that Gerry will not accept the mission to Paris. The delays which have attended this measure have left a dangerous void in our endeavors to preserve peace, which can scarcely be reconciled to a wish to preserve it. I imagine we shall rise from the 1st to the 3d of July. I am, Dear Sir, your friend and servant.

P. S. The interruption of letters is becoming so notorious, that I am forming a resolution of declining correspondence with my friends through the channels of the post altogether.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, June 29. 97.

The day of adjournment walks before us like our shadow. We shall rise on the 3d or 4th of July. Consequently I shall be with you about the 8th or 9th. The two houses have jointly given up the 9. small vessels. The Senate have rejected at the 3d reading their own bill authorizing the President to lay embargoes. They will probably reject a very unequal tax passed by the Repr. on the venders of wines & spirituous liquors (not in retail). They have passed a bill for postponing their next meeting to the constitutional day; but whether the Repr. will

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concur is uncertain. The Repr. are cooking up a stamp tax which it is thought themselves will reject. The fate of the bill for private armaments is yet undecided in the Senate. The expenses of the session are estimated at 80.000 Doll.—Monroe & family arrived here the day before yesterday, well. They will make a short visit to N. York & then set their faces homewards. My affectionate respects to Mrs. Madison, and salutations to yourself. Adieu.

TO JAMES MADISON J. MSS.

MONTICELLO, July 24. 97.

In hopes that Mrs. Madison & yourself & Miss Madison will favor us with a visit when Colo Monroe calls on you, I write this to inform you that I have had the Shadwell & Secretary's ford both well cleaned. If you come the lower road, the Shadwell ford is the proper one. It is a little deepened but clear of stone & perfectly safe. If you come the upper road you will cross at the Secretary's ford, turning in at the gate on the road soon after you enter the 3. notched road. The draught up the mountain that way is steady but uniform. I see Hamilton has put a short piece into the papers in answer to Callender's publication, & promises shortly something more elaborate. I am anxious to see you here soon, because in about three weeks we shall begin to unroof our house, when the family will be obliged to go elsewhere for shelter. My affectionate respects to the family. Adieu.

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PETITION TO VIRGINIA HOUSE OF DELEGATES[1] J. MSS.

[Aug. 1797]

To the Speaker and House of Delegates of the Commonwealth of Virginia, being a Protest against interference of Judiciary between Representative and Constituent.

The petition of the subscribers, inhabitants of the counties of Amherst, Albemarle, Fluvanna, and Goochland, sheweth:

That by the constitution of this State, established from its earliest settlement, the people thereof have professed the right of being governed by laws to which they have consented by representatives chosen by themselves immediately: that in order to give to the will of the people the influence it ought to have, and the information which may enable them to exercise it usefully, it was a part of the common law, adopted as the law of this land, that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the co-ordinate branches, Judiciary and Executive; and that their communications with their constituents should of right, as of duty also, be free, full, and unawed by any: that so necessary has this intercourse been deemed in the country from which they derive principally their descent and laws, that the correspondence between the representative and constituent is privileged there to pass free of expense through the channel of the public post, and that the proceedings of the legislature have been known to be

[1] See letters to Madison, Mercer, and Monroe, *post*, pp. 331, 338, and 339.

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arrested and suspended at times until the Representatives could go home to their several counties and confer with their constituents.

That when, at the epoch of Independence, the constitution was formed under which we are now governed as a commonwealth, so high were the principles of representative government esteemed, that the legislature was made to consist of two branches, both of them chosen immediately by citizens; and that general system of laws was continued which protected the relations between the representative and constituent, and guarded the functions of the former from the control of the Judiciary and Executive branches.

That when circumstances required that the ancient confederation of this with the sister States, for the government of their common concerns, should be improved into a more regular and effective form of general government, the same representative principle was preserved in the new legislature, one branch of which was to be chosen directly by the citizens of each State, and the laws and principles remained unaltered which privileged the representative functions, whether to be exercised in the State or General Government, against the cognizance and notice of the co-ordinate branches, Executive and Judiciary; and for its safe and convenient exercise, the inter-communication of the representative and constituent has been sanctioned and provided for through the channel of the public post, at the public expense.

That at the general partition of this commonwealth

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into districts, each of which was to choose a representative to Congress, the counties of Amherst, Albemarle, Fluvanna, and Goochland, were laid off into one district: that at the elections held for the said district, in the month of April, in the years 1795 and 1797, the electors thereof made choice of Samuel Jordan Cabell, of the county of Amherst, to be their representative in the legislature of the general government; that the said Samuel Jordan Cabell accepted the office, repaired at the due periods to the legislature of the General Government, exercised his functions there as became a worthy member, and as a good and dutiful representative was in the habit of corresponding with many of his constituents, and communicating to us, by way of letter, information of the public proceedings, of asking and receiving our opinions and advice, and of contributing, as far as might be with right, to preserve the transactions of the general government in unison with the principles and sentiments of his constituents: that while the said Samuel J. Cabell was in the exercise of his functions as a representative from this district, and was in the course of that correspondence which his duty and the will of his constituents imposed on him, the right of thus communicating with them, deemed sacred under all the forms in which our government has hitherto existed, never questioned or infringed even by Royal judges or governors, was openly and directly violated at a Circuit court of the General Government, held at the city of Richmond, for the district of Virginia, in the month of May of this present year, 1797: that at the said court, A, B,

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&c., some of whom were foreigners, having been called upon to serve in the office of grand jurors before the said court, were sworn to the duties of said office in the usual forms of the law, the known limits of which duties are to make presentment of those acts of individuals which the laws have declared to be crimes or misdemeanors: that departing out of the legal limits of their said office, and availing themselves of the sanction of its cover, wickedly and contrary to their fidelity to destroy the rights of the people of this commonwealth, and the fundamental principles of representative government, they made a presentment of the act of the said Samuel J. Cabell, in writing letters to his constituents in the following words, to wit: "We, of the grand jury of the United States, for the district of Virginia, present as a real evil, the circular letters of several members of the late Congress, and particularly letters with the signature of Samuel J. Cabell, endeavoring, at a time of real public danger, to disseminate unfounded calumnies against the happy government of the United States, and thereby to separate the people therefrom; and to increase or produce a foreign influence, ruinous to the peace, happiness, and independence of these United States."

That the grand jury is a part of the Judiciary, not permanent indeed, but in office, *pro hac vice* and responsible as other judges are for their actings and doings while in office: that for the Judiciary to interpose in the legislative department between the constituent and his representative, to control them in the exercise of their functions or duties towards each

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other, to overawe the free correspondence which exists and ought to exist between them, to dictate what communications may pass between them, and to punish all others, to put the representative into jeopardy of criminal prosecution, of vexation, expense, and punishment before the Judiciary, if his communications, public or private, do not exactly square with their ideas of fact or right, or with their designs of wrong, is to put the legislative department under the feet of the Judiciary, is to leave us, indeed, the shadow, but to take away the substance of representation, which requires essentially that the representative be as free as his constituents would be, that the same interchange of sentiment be lawful between him and them as would be lawful among themselves were they in the personal transaction of their own business; is to do away the influence of the people over the proceedings of their representatives by excluding from their knowledge, by the terror of punishment, all but such information or misinformation as may suit their own views; and is the more vitally dangerous when it is considered that grand jurors are selected by officers nominated and holding their places at the will of the Executive: that they are exposed to influence from the judges who are nominated immediately by the Executive, and who, although holding permanently their commissions as judges, yet from the career of additional office and emolument *actually* opened to them of late, whether *constitutionally* or not, are under all those motives which interest or ambition inspire, of courting the favor of that branch from which

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appointments flow: that grand juries are frequently composed in part of by-standers, often foreigners, of foreign attachments and interests, and little knowledge of the laws they are most improperly called to decide on; and finally, is to give to the Judiciary, and through them to the Executive, a complete preponderance over the legislature rendering ineffectual that wise and cautious distribution of powers made by the constitution between the three branches, and subordinating to the other two that branch which most immediately depends on the people themselves, and is responsible to them at short periods.

That independently of these considerations of a constitutional nature, the right of free correspondence between citizen and citizen on their joint interests, public or private, and under whatsoever laws these interests arise, is a natural right of every individual citizen, not the gift of municipal law, but among the objects for the protection of which municipal laws are instituted: that so far as the attempt to take away this natural right of free correspondence is an offence against the privileges of the legislative house, of which the said Samuel J. Cabell is a member, it is left to that house, entrusted with the preservation of its own privileges, to vindicate its immunities against the encroachments and usurpations of a co-ordinate branch; but so far as it is an infraction of our individual rights as citizens by other citizens of our own State, the judicature of this commonwealth is solely competent to its cognizance, no other possessing any powers of redress: that the

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commonwealth retains all its judiciary cognisances not expressly alienated in the grant of powers to the United States as expressed in their constitution: that that constitution alienates only those enumerated in itself, or arising under laws or treaties of the United States made in conformity with its own tenor: but the right of free correspondence is not claimed under that constitution or the laws or treaties derived from it, but as a natural right, placed originally under the protection of our municipal laws, and retained under the cognizance of our own courts.

Your petitioners further observe that though this crime may not be specifically defined and denominated by any particular statute, yet it is a crime, and of the highest and most alarming nature; that the constitution of this commonwealth, aware it would sometimes happen that deep and dangerous crimes, pronounced as such in the heart of every friend to his country and its free constitution, would often escape the definitions of the law, and yet ought not to escape its punishments, fearing at the same time to entrust such undescribed offences to the discretion of ordinary juries and judges, has reserved the same to the cognizance of the body of the commonwealth acting by their representatives in general assembly, for which purpose provision is made by the constitution in the following words, to wit: "The Governor, when he is out of office, and *others* offending against the State, either by mal-administration, corruption, *or other means* by which the safety of the State may be endangered, shall be impeachable by the House of

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Delegates. Such impeachment to be prosecuted by the Attorney General or such other person or persons as the house may appoint in the general court, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or removed from such offices *pro tempore*, or subjected to such pains or penalties as the law shall direct."

Considering then the House of Delegates as the standing inquest of the whole commonwealth so established by the constitution, that its jurisdiction as such extends over all persons within its limits, and that no pale, no sanctuary has been erected against their jurisdiction to protect offenders who have committed crimes against the laws of the commonwealth and rights of its citizens: that the crime committed by the said grand jurors is of that high and extraordinary character for which the constitution has provided extraordinary procedure: that though the violation of right falls in the first instance on us, your petitioners and the representative chosen immediately by us, yet in principle and consequence it extends to all our fellow-citizens, whose safety is passed away whenever their representatives are placed, in the exercise of their functions, under the direction and coercion of either of the other departments of government, and one of their most interesting rights is lost when that of a free communication of sentiment by speaking or writing is suppressed: We, your petitioners, therefore pray that you will be pleased to take your constitutional cognizance of the premises, and institute

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such proceedings for impeaching and punishing the said A, B, &c., as may secure to the citizens of this commonwealth their constitutional right: that their representatives shall in the exercise of their functions be free and independent of the other departments of government, may guard that full intercourse between them and their constituents which the nature of their relations and the laws of the land establish, may save to them the natural right of communicating their sentiments to one another by speaking and writing, and may serve as a terror to others attempting hereafter to subvert those rights and the fundamental principles of our constitution, to exclude the people from all direct influence over the government they have established by reducing that branch of the legislature which they choose directly, to a subordination under those over whom they have but an indirect, distant, and feeble control.

And your petitioners further submit to the wisdom of the two houses of assembly whether the safety of the citizens of this commonwealth in their persons, their property, their laws, and government, does not require that the capacity to act in the important office of a juror, grand or petty, civil or criminal, should be restrained in future to native citizens of the United States, or such as were citizens at the date of the treaty of peace which closed our revolutionary war, and whether the ignorance of our laws and natural partiality to the countries of their birth are not reasonable causes for declaring this to be one of the rights incommunicable in future to adoptive citizens.

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We, therefore, your petitioners, relying with entire confidence on the wisdom and patriotism of our representatives in General assembly, clothed pre-eminently with all the powers of the people which have not been reserved to themselves, or enumerated in the grant to the General Government delegated to maintain all their rights and relations not expressly and exclusively transferred to other jurisdictions, and stationed as sentinels to observe with watchfulness and oppose with firmness all movements tending to destroy the equilibrium of our excellent but complicated machine of government, invoke from you that redress of our violated rights which the freedom and safety of our common country calls for. We denounce to you a great crime, wicked in its purpose, and mortal in its consequences unless prevented, committed by citizens of this commonwealth against the body of their country. If we have erred in conceiving the redress provided by the law, we commit the subject to the superior wisdom of this house to devise and pursue such proceedings as they shall think best; and we, as in duty bound, shall ever pray, &c.

TO JAMES MADISON MAD. MSS.

MONTICELLO, Aug 3, 97.

I scribbled you a line on the 24th ult; it missed of the post, and so went by a private hand. I perceive from yours by mr. Bringhurst, that you had not received it. In fact, it was only on earnest ex-

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hortation to come here with Monroe, which I still hope you will do. In the meantime, I enclose you a letter from him, and wish your opinion on its principal subject. The variety of other topics the day I was with you, kept out of sight the letter to Mazzei imputed to me in the papers, the general substance of which is mine, tho' the diction has been considerably varied in the course of it's translations from English into Italian, from Italian into French, & from French into English. I first met with it at Bladensburg, and for a moment conceived I must take the field of the public papers. I could not disavow it wholly, because the greatest part was mine, in substance tho' not in form. I could not avow it as it stood, because the form was not mine, and, in one place, the substance very materially falsified. This, then, would render explanations necessary; nay, it would render proofs of the whole necessary, & draw me at length into a publication of all (even the secret) transactions of the administration while I was of it; and embroil me personally with every member of the Executive, with the Judiciary, and with others still. I soon decided in my own mind, to be entirely silent. I consulted with several friends at Philadelphia, who, every one of them, were clearly against my avowing or disavowing, & some of them conjured me most earnestly to let nothing provoke me to it. I corrected, in conversation with them, a substantial misrepresentation in the copy published. The original has a sentiment *like* this (for I have it not before me), "they are endeavoring to submit us to the substance, as they already have to the *forms* of the British

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government;" meaning by *forms*, the birth-days, levees, processions to parliament, inauguration pomposities, &c. But the copy published says, "as they have already submitted us to the *form* of the British," &c., making me express hostility to the form of our government, that is to say, to the constitution itself. For this is really the difference of the word *form*, used in the singular or plural, in that phrase, in the English language. Now it would be impossible for me to explain this publicly, without bringing on a personal difference between Genl Washington & myself, which nothing before the publication of this letter has ever done. It would embroil me also with all those with whom his character is still popular, that is to say, nine tenths of the people of the U S; and what good would be obtained by my avowing the letter with the necessary explanations? Very little indeed, in my opinion, to counterbalance a good deal of harm. From my silence in this instance, it can never be inferred that I am afraid to own the general sentiments of the letter. If I am subject to either imputation, it is to that of avowing such sentiments too frankly both in private & public, often when there is no necessity for it, merely because I disdain everything like duplicity. Still, however, I am open to conviction. Think for me on the occasion, and advise me what to do, and confer with Colo Monroe on the subject.

Let me entreat you again to come with him; there are other important things to consult on. One will be his affair. Another is the subject of the petition now enclosed you, to be proposed to our district, on

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the late presentment of our representative by the grand jury: the idea it brings forward is still confined to my own breast. It has never been mentioned to any mortal, because I first wish your opinion on the expediency of the measure. If you approve it, I shall propose to P. Carr or some other, to father it, and to present it to the counties at their general muster. This will be in time for our Assembly. The presentment going in the public papers just at the moment when Congress was together, produced a great effect both on it's friends & foes in that body, very much to the disheartening & mortification of the latter. I wish this petition, if approved, to arrive there under the same circumstance, to produce the counter-effect so wanting for their gratification. I could have wished to receive it from you again at our court on Monday, because P. Carr & Wilson Nicholas will be there, and might also be consulted, and commence measures for putting it into motion. If you can return it then, with your opinion and corrections, it will be of importance. Present me affectionately to mrs. Madison, & convey to her my entreaties to interpose her good offices & persuasives with you to bring her here, and before we uncover our house, which will yet be some weeks.

Salutations & Adieu.

TO ST. GEORGE TUCKER J. MSS.

MONTICELLO, Aug 28, 97.

DEAR SIR,—I have to acknolege the receipt of your two favors of the 2d & 22d inst. and to thank you for

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the pamphlet covered by the former.[1] You know my subscription to it's doctrines; and to the mode of emancipation, I am satisfied that that must be a matter of compromise between the passions, the prejudices, & the real difficulties which will each have their weight in that operation. Perhaps the first chapter of this history, which has begun in St. Domingo, & the next succeeding ones, which will recount how all the whites were driven from all the other islands, may prepare our minds for a peaceable accommodation between justice, policy & necessity; & furnish an answer to the difficult question, whither shall the colored emigrants go? and the sooner we put some plan underway, the greater hope there is that it may be permitted to proceed peaceably to it's ultimate effect. But if something is not done, & soon done, we shall be the murderers of our own children. The 'murmura venturos nautis prodentia ventos' has already reached us; the revolutionary storm, now sweeping the globe, will be upon us, and happy if we make timely provision to give it an easy passage over our land. From the present state of things in Europe & America, the day which begins our combustion must be near at hand; and only a single spark is wanting to make that day to-morrow. If we had begun sooner, we might probably have been allowed a lengthier operation to clear ourselves, but every day's delay lessens the time we may take for emancipation. Some people derive hope from the aid of the confederated States. But this is a delusion. There is but one state in the Union which will aid

[1] *Dissertation on Slavery.*

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us sincerely, if an insurrection begins, and that one may, perhaps, have it's own fire to quench at the same time. The facts stated in yours of the 22d, were not identically known to me, but others like them were. From the general government no interference need be expected. Even the merchant and navigator, the immediate sufferers, are prevented by various motives from wishing to be redressed. I see nothing but a State procedure which can vindicate us from the insult. It is in the power of any single magistrate, or of the Attorney for the Commonwealth, to lay hold of the commanding officer, whenever he comes ashore, for the breach of the peace, and to proceed against him by indictment. This is so plain an operation, that no power can prevent it's being carried through with effect, but the want of will in the officers of the State. I think that the matter of finances, which has set the people of Europe to thinking, is now advanced to that point with us, that the next step, & it is an unavoidable one, a land tax, will awaken our constituents, and call for inspection into past proceedings. I am, with great esteem, dear Sir, your friend and servant.

TO COLONEL ARTHUR CAMPBELL J. MSS.

MONTICELLO, Sepr 1, 97.

DEAR SIR,—I have to acknolege the receipt of your favor of July 4. and to recognize in it the sentiments you have ever held, & worthy of the day on which it is dated. It is true that a party has risen up

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among us, or rather has come among us, which is endeavoring to separate us from all friendly connection with France, to unite our destinies with those of Great Britain, & to assimilate our government to theirs. Our lenity in permitting the return of the old tories, gave the first body to this party; they have been increased by large importations of British merchants and factors, by American merchants dealing on British capital, and by stock dealers & banking companies, who, by the aid of a paper system, are enriching themselves to the ruin of our country, and swaying the government by their possession of the printing presses, which their wealth commands, and by other means, not always honorable to the character of our countrymen. Hitherto, their influence & their system has been irresistible, and they have raised up an Executive power which is too strong for the legislature. But I flatter myself they have passed their zenith. The people, while these things were doing, were lulled into rest and security from a cause which no longer exists. No prepossessions now will shut their ears to truth. They begin to see to what port their leaders were steering during their slumbers, and there is yet time to haul in, if we can avoid a war with France. All can be done peaceably, by the people confiding their choice of Representatives & Senators to persons attached to republican government & the principles of 1776, not office-hunters, but farmers, whose interests are entirely agricultural. Such men are the true representatives of the great American interest, and are alone to be relied on for expressing the

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proper American sentiments. We owe gratitude to France, justice to England, good will to all, and subservience to none. All this must be brought about by the people, using their elective rights with prudence & self-possession, and not suffering themselves to be duped by treacherous emissaries. It was by the sober sense of our citizens that we were safely and steadily conducted from monarchy to republicanism, and it is by the same agency alone we can be kept from falling back. I am happy in this occasion of reviving the memory of old things, and of assuring you of the continuance of the esteem & respect of, dear Sir, your friend and servant.

TO JOHN FRANCIS MERCER J. MSS.

MONTICELLO, September 5, 1797.

* * * We have now with us our friend Monroe. He is engaged in stating his conduct for the information of the public. As yet, however, he has done little, being too much occupied with re-arranging his household. His preliminary skirmish with the Secretary of state has, of course, bespoke a suspension of the public mind, till he can lay his statement before them. Our Congressional district is fermenting under the presentment of their representative by the Grand jury: and the question of a Convention for forming a State Constitution will probably be attended to in these parts. These are the news of our canton. Those of a more public nature you know before we do. My best respects to mrs. Mercer, and

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assurances to yourself of the affectionate esteem of, dear Sir, your friend and servant.

TO JAMES MONROE J. MSS.

MONTICELLO, Sep 7, 97.

The doubt which you suggest as to our jurisdiction over the case of the grand jury *vs.* Cabell, had occurred to me, & naturally occurs on first view of the question. But I knew, that to send the petition to the Ho of Represent. in Congress, would make bad worse; that a majority of that House would pass a vote of approbation. On examination of the question, too, it appeared to me that we could maintain the authority of our own government over it.

A right of free correspondence between citizen & citizen, on their joint interests, whether public or private, & under whatsoever laws these interests arise, (to wit, of the state, of Congress, of France, Spain, or Turkey), is a natural right; it is not the gift of any municipal law, either of England, or of Virginia, or of Congress; but in common with all our other natural rights, is one of the objects for the protection of which society is formed, & municipal laws established.

The courts of this commonwealth (and among them the General court, as a court of impeachment) are originally competent to the cognizance of all infractions of the rights of one citizen by another citizen; and they still retain all their judiciary cognizances not expressly alienated by the federal constitution.

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The federal constitution alienates from them all cases arising, 1st, under that constitution; 2dly, under the laws of Congress; 3dly, under treaties, &c. But this right of free correspondence, whether with a public representative in General assembly, in Congress, in France, in Spain, or with a private one charged with a pecuniary trust, or with a private friend the object of our esteem, or any other, has not been given to us under, 1st, the federal constitution; 2dly, any law of Congress; or 3dly, any treaty; but as before observed, by nature. It is therefore not alienated, but remains under the protection of our courts.

Were the question even doubtful, it is no reason for abandoning it. The system of the General government, is to seize all doubtful ground. We must join in the scramble, or get nothing. Where first occupancy is to give a right, he who lies still loses all. Besides, it is not right for those who are only to act in a preliminary form, to let their own doubts preclude the judgment of the court of ultimate decision. We ought to let it go to the Ho of delegates for their consideration, & they, unless the contrary be palpable, ought to let it go to the General court, who are ultimately to decide on it.

It is of immense consequence that the States retain as complete authority as possible over their own citizens. The withdrawing themselves under the shelter of a foreign jurisdiction, is so subversive of order and so pregnant of abuse, that it may not be amiss to consider how far a law of *præmunire* should be revived & modified, against all citizens who at-

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tempt to carry their causes before any other than the State courts, in cases where those other courts have no right to their cognizance. A plea to the jurisdiction of the courts of their State, or a reclamation of a foreign jurisdiction, if adjudged valid, would be safe; but if adjudged invalid, would be followed by the punishment of *præmunire* for the attempt.

Think further of the preceding part of this letter, and we will have further conference on it. Adieu.

P. S. Observe, that it is not the breach of mr. Cabell's privilege which we mean to punish: that might lie with Congress. It is the wrong done to the citizens of our district. Congress has no authority to punish that wrong. They can only take cognizance of it in vindication of their member.

TO ALEXANDER WHITE J. MSS.

MONTICELLO, Sept. 10, 97.

DEAR SIR,—So many persons have of late found an interest or a passion gratified by imputing to me sayings and writings which I never said or wrote, or by endeavoring to draw me into newspapers to harass me personally, that I have found it necessary for my quiet & my other pursuits to leave them in full possession of the field, and not to take the trouble of contradicting them in private conversation. If I do it now, it is out of respect to your application, made by private letter & not thro' the newspapers, & under the perfect assurance that what I write to you will not be permitted to get into a newspaper, while you are at full liberty to assert it in conversation under my authority.

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I never gave an opinion that the Government would not remove to the federal city. I never entertained that opinion; but on the contrary, whenever asked the question, I have expressed my full confidence that they would remove there. Having had frequent occasion to declare this sentiment, I have endeavored to conjecture on what a contrary one could have been ascribed to me. I remember that in Georgetown, where I passed a day in February in conversation with several gentlemen on the preparations there for receiving the government, an opinion was expressed by some, & not privately, that there would be few or no private buildings erected in Washington this summer, and that the prospect of their being a sufficient number in time, was not flattering. This they grounded on the fact that the persons holding lots, from a view to increase their means of building, had converted their money at low prices, into Morris & Nicholson's notes, then possessing a good degree of credit, & that having lost these by the failure of these gentlemen, they were much less able to build than they would have been. I then observed, and I did it with a view to excite exertion, that if there should not be private houses in readiness sufficient for the accommodation of Congress & the persons annexed to the Government, it could not be expected that men should come there to lodge, like cattle, in the fields, and that it highly behooved those interested in the removal to use every exertion to provide accommodations. In this opinion, I presume I shall be joined by yourself & every other. But delivered, as it was, only on the hypo-

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thesis of a fact stated by others, it could not authorize the assertion of an absolute opinion, separated from the statement of fact on which it was hypothetically grounded. I have seen no reason to believe that Congress have changed their purpose with respect to the removal. Every public indication from them, & every sentiment I have heard privately expressed by the members, convinces me they are steady in the purpose. Being on this subject, I will suggest to you, what I did privately at Georgetown to a particular person, in confidence that it should be suggested to the managers, if in event it should happen that there should not be a sufficiency of private buildings erected within the proper time, would it not be better for the commissioners to apply for a suspension of the removal for one year, than to leave it to the hazard which a contrary interest might otherwise bring on it? Of this however you have yet two summers to consider, and you have the best knolege of the circumstances on which a judgment may be formed whether private accommodations will be provided. As to the public buildings, every one seems to agree that they will be in readiness.

I have for five or six years been encouraging the opening a direct road from the Southern part of this State, leading through this county to Georgetown. The route proposed is from Georgetown by Colol. Alexander's, Elk-run Church, Norman's Ford, Stevensburg, the Racoon Ford, the Marquis's Road, Martin Key's Ford on the Rivanna, the mouth of Slate River, the high bridge on Appomattox, Prince Edward C. H., Charlotte C. H., Cole's ferry on

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Stanton, Dix's ferry on Dan, Guilford C. H., Salisbury, Croswell's ferry on Saluda, Ninety-six, Augusta. It is believed this road will shorten the distance along the continent 100. miles. It will be to open anew only from Georgetown to Prince Edward courthouse. An actual survey has been made from Stevensburg to Georgetown, by which that much of the road will be shortened 20. miles, & be all a dead level. The difficulty is to get it first through Fairfax & Prince William. The counties after that will very readily carry it on. We consider it as opening to us a direct road to the market of the federal city, for all the beef & mutton we could raise, for which we have no market at present. I am in possession of the survey, & had thought of getting the Bridge co at Georgetown to undertake to get the road carried through Fairfax & Prince William, either by those counties or by themselves. But I have some apprehension that by pointing our road to the bridge, it might get out of the level country, and be carried over the hills, which will be but a little above it. This would be inadmissible. Perhaps you could suggest some means of our getting over the obstacle of those two counties. I shall be very happy to concur in any measure which can effect all our purposes. I am with esteem, dear Sir, your most obedient servant.

TO JAMES MONROE J. MSS.

MONTICELLO Oct. 25. 97.

I like your second title better than the first because it is shorter. I should like the following better than

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either: "The Foreign affairs of the U. S. during the years 1794.5.6. laid before his fellow citizens by J. M. their late M. P. to the Republic of France." The reason of my preference is that it implies no inculpation of the Executive. Such an implication will determine prejudiced men against buying or reading the book. The following title would be better but for one reason: "An account of the foreign affairs of the U. S. during the years 1794.5.6 rendered to his fellow citizens by J. M. their late M. P. to the Republic of France," but that it would raise the old hue and cry against the attempt to separate the people from their government. For this reason it might be questionable whether the words "laid before his fellow citizens" in the first title I propose, had not better be omitted. In that case the words "a view of" should be premised, so as to make it "a view of the Foreign affairs of the U. S. during &c.—by J. M. &c. Decide among them.

I should not be for publishing the long letters from the Secy of State to Fauchet, & Hammond, because they were no part of your business & because they are already printed by the Executive. Perhaps it would be well to refer in a note to E. R.'s letter to you that it enclosed such and such letters which may be seen in such a publication, quoting the pages. I rather think that to you relative to Fenwick ought to be published 1. because it is to you. 2. because it will show how vigorous they were when the English interests were affected. 3. because it was a malversation in Fenwick if true, & ought to be published for the honor of the U. S. & warning to other consuls.

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Skipwith's report might be referred to as already printed. As to the question whether a Minister is that of his country or of G. W. or J. A. I do not think will need a very formal discussion. A bare statement of it with a few such strong observations as will occur currente calamo, will suffice. Still it is necessary to be stated, to bring indolent readers to reflection. Appearances might otherwise lead them astray. Adieu.

TO JOHN WAYLES EPPES J. MSS.

PHILADELPHIA Dec. 21. 97.

Presuming that you get the newspapers I shall not repeat the public news which they detail. The great victory obtained by the English over the Dutch fleet is placed beyond doubt. They have taken 9. out of 16. As to the proceedings of Congress, they have passed a bill putting off the commencement of the Stamp act till July next. The land tax will not be taken up this session. It is suspected that the approaching elections have had as much influence in both these measures, as the condition of the Treasury, which is said to be better than was expected. Congress therefore have absolutely nothing to do, but to wait for news from our Parisian envoys. If that is of a peaceable aspect I know nothing which ought to keep us long from home. And that it will be of peaceable aspect there is solid reason to expect, notwithstanding the newspaper paragraphs of a contrary import, fabricated to give a hostile impulse to Congress. We learn from Norfolk that Barry is

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made Judge of Admiralty in the French West Indies, & has forbidden the capture of any American vessels except going to rebel ports. This looks as if they wish to distinguish between real American vessels, & English ones under American papers. They suppose & probably that Barry will be able to distinguish them.

I send according to your desire Paine's letter. In my next I will enclose another pamphlet on the same subject. Monroe's book appears this day. It is of near 500. pages, consequently too large to go by post. Bache will send on 2. or 300 copies to Richmond. I have put on board Stratton's schooner an anvil, vice & beek-iron for George, proposing as soon as he receives them, that Isaac shall take those he has. We had hoped 2. or 3. days ago that the vessels here would have got out. But the weather has now set in so as to render it doubtful whether they are not shut for the winter. If so, it will be February before these things get on. You would do well to employ Isaac in the meantime in preparing coal for his year's work. He should have about 2000. bushels laid in. Nor will it be amiss to cord his wood in order to excite him to an emulation in burning it well. I am in hopes you or mr. Randolph will prepare for the road contract. It is very interesting to us all. Tell my dear Maria I received her letter of the 8th from Chestnut Grove this day. I will write to her next. In the meantime convey to her the warmest expressions of my love. Present me affectionately to mr. & mrs. Eppes & to all the younger ones. Adieu with sincere affection.

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P. S. I am entirely at a loss to what post office to direct your letters. I have conjectured you have most intercourse with Petersburg.

TO JOHN TAYLOR J. MSS.

PHILADELPHIA Dec. 23. 97.

DEAR SIR— * * * Our stamp act is put off till July next. The land tax will also be put off. The approach of the elections may have had its weight in both these measures. The affluence of the Treasury has rendered it possible to go on a year longer without a land tax. The questions about beginning a Navy & permitting our merchants (alias the English merchants) to arm & begin the war for us, must of course be discussed, because the speech has recommended these measures. But I see no reason to apprehend any change in the opinion of Congress on these points since the summer session. These therefore & Blount's impeachment will serve to give us an appearance of business for sometime. For an honest truth I believe every man here acknoleges we have nothing to do: that there is literally nothing which the public good requires us to act upon. As we are together, I think myself we ought not to separate till we hear from our envoys at Paris & I think we may expect by the last of January not only to hear from them, but to see what is likely to be the aspect of our affairs with France. If peaceable, I know no reason why we should not go home immediately, & economise something on the daily ex-

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penses of our session, which in truth are enormous. The French envoy here tells me he has a letter from his government mentioning that they expect our envoys & that they will be well received. A pamphlet written by Fauchet is come here. I have not read it but I understand that the sum of it is that our Executive are the enemies of France, our citizens generally friendly, but that the mutual interests of both countries require a continuance of friendly intercourse between the two republics. A bill extending for three years the law respecting foreign coins has passed the representatives with some difficulty & may possibly fail in the Senate. Whether [*illegible*] fears for the mint or whether ground [*illegible*] I know not. But if it fails we are left almost without a coin for legal tenders. As you are in session it behooves you to see that your laws fixing the value of foreign coin & making them a tender are in [*illegible*] footing. By the constitution Congress may regulate the value of foreign coin, but if they do not do it, the old power revives to the state, the Constitution only forbidding them to make anything but gold & silver coin a tender in payment of debts. This construction is admitted here by persons not disposed to give to the states more powers than they are entitled to. Adieu. Affectionately.

TO JAMES MONROE J. MSS.

PHILADELPHIA, Dec. 27, 97.

DEAR SIR,—I communicated to Mr. M. the evening I was with him the papers you sent by me for Mr. D.

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He was clearly of opinion nothing further ought to be done. D. was decisively of the same opinion. This being the case then there was no ground for consulting L. or B. & accordingly nothing has been said to them. Your book was later coming than was to have been wished: however it works irresistably. It would be very gratifying to you to hear the unqualified eulogies both on the matter & manner by all who are not hostile to it from principle. A pamphlet written by Fauchet (and now reprinting here) reinforced the views you have presented of the duplicity of the administration here. The Republican party in the H. of Representatives is stronger than its antagonistic party in all strong questions. Today on a question to put off a bill for permitting private vessels to arm, it was put off to the 1st Monday of Feb. by 40. to 37. & on a motion to reconsider was confirmed by 44. to 38. We have half a dozen members absent, who if here would give decisive preponderance. Two of these are of our state, Giles & Cabell. The stamp act is put off to July, & the Land tax will not be touched this session. Before the next the elections will be over. We have therefore literally nothing to do, but to await intelligence from our envoys at Paris, & as soon as we learn that our affairs there will be of peaceable aspect (as there is reason to expect) I see nothing which ought to keep us here. The question about building a navy, to be sure must be discussed out of respect to the speech: but it will only be to reject them. A bill has passed the representatives giving three years longer currency to foreign coins. It is in danger in the Senate. The

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effect of stopping the currency of gold & silver is to force bank paper through all the states. However I presume the state legislatures will exercise their acknoleged right of regulating the value of foreign coins, when not regulated by Congress, & their exclusive right of declaring them a tender. The Marquis Fayette was expected in the ship *John* from Hamburg. She is cast away in this river. 70 passengers were said to be got ashore & the rest still remaining on the wreck, but we do not know that he was actually a passenger. Some late elections have been remarkable. Lloyd of Maryland in the place of Henry by a majority of 1. against Winder the Republican candidate. Chipman, Senator of Vermont, by a majority of 1. against J. Smith the Republican candidate. Tichenor chosen governor of Vermont by a small majority against the Republican candidate. Governor Robertson of that state writes that the people there are fast coming over to a sound understanding of the state of our affairs. The same is said of some other of the N. England states. In this state that spirit rises very steadily. The Republicans have a firm majority of about 6. in the H. of Representatives here, a circumstance which has not been seen for some years. Even their Senate is purifying. The contest for the government will be between McKean & Ross, & will probably be an extreme hard one. In N. York it will be the same between Livingston & Jay, who is becoming unpopular with his own party. We are anxious to see how the N. York representatives are. The dismission of Tench Coxe from office without any

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reason assigned is considered as one of the bold acts of the President. Tant mieux. As soon as Fauchet's pamphlet appears I will send you a copy. Your book so far has sold rapidly. I received from mr. Madison paper for 500 D. for you, which will be paid in the course of a few weeks. I shall desire Barnes to receive and hold it subject to your order. Present me respectfully to mrs. Monroe & accept assurances of my sincere friendship. Adieu.

TO JOHN PAGE J. MSS.

PHILADELPHIA Jan. 1. 1798.

MY DEAR PAGE,—You have probably seen or heard of some very abusive letters addressed to me in the publick papers by a mr. Martin of Baltimore on the subject of Logan's speech cited in the *Notes on Virginia*. I do not mean to notice mr. Martin or to go into the newspapers on the subject, but I am still anxious to inquire into the foundation of that story, and if I find anything wrong in it it shall be corrected, & what is right supported either in some new edition of that work or in an Appendix to it. You & I were so much together about the year 1774, that I take for granted that whatsoever I heard you heard also, & therefore that your memory can assist mine in recollecting the substance of the story, how it came to us, & who could now be applied to to give information relative to it. You were more in Ld Dunmore's & Foy's company than I was, & probably heard more of it from that family than I did. I

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must pray you to rub up your recollection & communicate to me as fully as you can what you can recall to your mind relative to it. & if you can procure me the evidence, or the recollections of any other persons on it, it will much oblige me. We have now been met 7. weeks & have done nothing except put off the stamp act to July next. Nor does it seem as if there would be anything to do. We are waiting for news from France. A letter from Talleyrand (French Minister of Foreign Affairs) to mr. Le Tombe consul here, dated the day after the arrival of our ministers at Paris, says they will be well received, & that every disposition exists on the side of France to accommodate their differences with us. I imagine you will have seen Monroe's work, as many copies were sent to Richmond by Bache. We hourly expect Fauchet's pamphlet from the same press. I will send you a copy. Present me respectfully to mrs. Page & accept assurances of the constant friendship of my Dear Sir, Yours affectionately.

TO MANN PAGE J. MSS.

PHILADELPHIA, Jan. 2, 1798.

DEAR SIR,—I do not know whether you have seen some very furious abuse of me in the Baltimore papers by a mr. Luther Martin, on account of Logan's speech, published in the *Notes on Virginia*. He supposes both the speech & story made by me to support an argument against Buffon. I mean not to enter into a newspaper contest with mr. Martin;

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but I wish to collect, as well as the lapse of time will permit, the evidence on which we received that story. It was brought to us I remember by Ld Dunmore & his officers on their return from the expedition of 1774. I am sure it was from them that I got it. As you were very much in the same circle of society in Wmsburg with myself, I am in hopes your memory will be able to help out mine, and recall some facts which have escaped me. I ask it as a great favor of you to endeavor to recollect, & to communicate to me all the circumstances you possibly can relative to this matter, particularly the authority on which we received it, & the names of any persons who you think can give me information. I mean to fix the fact with all possible care and truth, and either to establish or correct the former statement in an Appendix to the *Notes on Virginia*, or in the first republication of the work.

Congress have done nothing interesting except postponing the Stamp Act. An act continuing the currency of the foreign coins 3. years longer has passed the Representatives, but was lost in the Senate. We have hopes that our envoys will be received decently at Paris, and some compromise agreed on. There seems to be little appearance of peace in Europe. Those among us who were so timid when they apprehended war with England, are now bold in propositions to arm. I do not think however that the Representatives will change the policy pursued by them at their summer session. The land tax will not be brought forward this year. Congress of course have no real business to be em-

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ployed on. We may expect in a month or six weeks to hear so far from our commissioners at Paris as to judge what will be the aspect of our situation with France. If peaceable, as we hope, I know of nothing which should keep us together. In my late journey to this place, I came through Culpeper & Prince William to Georgetown. When I return, it will be through the eastern shore (a country I have never seen), by Norfolk & Petersburg; so that I shall fail then also of the pleasure of seeing you. Present my respectful compliments to mrs. Page, and accept assurances of the sincere esteem of, dear Sir, your friend and servant.

TO JAMES MADISON MAD. MSS.

P, Jan, 3, 1798.

DEAR SIR,— * * * Our weather has been here, as with you, cold & dry. The thermometer has been at 8°. The river closed here the first week of December, which has caught a vast number of vessels destined for departure. It deadens also the demand for wheat. The price at New York is 1.75 & of flour 8.50 to 9.; tobacco 11. to 12. D.; there need be no doubt of greater prices. The bankruptcies here continue: the prison is full of the most reputable merchants, & it is understood that the scene has not yet got to its height. Prices have fallen greatly. The market is cheaper than it has been for 4. years. Labor & house rent much reduced. Dry goods somewhat. It is expected they will fall till they get

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nearly to old prices. Money scarce beyond all example.

The Representatives have rejected the President's proposition for enabling him to prorogue them. A law is passed putting off the stamp act till July next. The land tax will not be brought on. The Secretary of the Treasury says he has money enough. No doubt these two measures may be taken up more boldly at the next session, when most of the elections will be over. It is imagined the stamp act will be extended or attempted on every possible object. A bill has passed the Rep to suspend for 3. years the law arresting the currency of foreign coins. The Senate propose an amendment, continuing the currency of the foreign gold only. Very possibly the bill may be lost. The object of opposing the bill is to make the French crowns a subject of speculation (for it seems they fell on the President's proclamation to a Dollar in most of the states), and to force bank paper (for want of other medium) through all the states generally. Tench Coxe is displaced & no reason ever spoken of. It is therefore understood to be for his activity during the late election. It is said, that the people from hence quite to the Eastern extremity are beginning to be sensible that their government has been playing a foul game. In Vermont, Chipman was elected Senator by a majority of one, against the republican candidate. In Maryland, Lloyd by a majority of one, against Winder the republican candidate. Tichenor chosen Governor of Vermont by a very small majority. The house of Representatives of this state has become republican

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by a firm majority of 6. Two counties, it is said, have come over generally to the republican side. It is thought the republicans have also a majority in the N York H of representatives. Hard elections are expected there between Jay & Livingston, & here between Ross & McKean. In the H of Representatives of Congress, the republican interest has at present, on strong questions, a majority of about half a dozen, as is conjectured, & there are as many of their firmest men absent; not one of the anti-republicans is from his post. The bill for permitting private vessels to arm, was put off to the 1st Monday in February by a sudden vote, & a majority of five. It was considered as an index of their dispositions on that subject, tho some voted both ways on other ground. It is most evident, that the anti-republicans wish to get rid of Blount's impeachment. Many metaphysical niceties are handing about in conversation, to shew that it cannot be sustained. To show the contrary, it is evident must be the task of the republicans, or of nobody. Monroe's book is considered as masterly by all those who are not opposed in principle, and it is deemed unanswerable. An answer, however, is commenced in Fenno's paper of yesterday, under the signature of Scipio. The real author not yet conjectured.[1] As I take these papers merely to preserve them, I will forward them to you, as you can easily return them to me on my arrival at home; for I shall not see you on my way, as I mean to go by the Eastern Shore & Petersburg.

[1] Scipio was Uriah Tracy, and the letters were afterwards collected in book form.

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Perhaps the paragraphs in some of these abominable papers may draw from you now & then a squib. A pamphlet of Fauchet's appeared yesterday. I send you a copy under another cover. A handbill is just arrived here from N Y, where they learn from a vessel which left Havre about the 9th of Nov, that the emperor had signed the definitive articles, given up Mantua, evacuated Mentz, agreed to give passage to the French troops into Hanover, and that the Portuguese ambassador had been ordered to quit Paris, on account of the seizure of fort St. Julian's by the English, supposed with the connivance of Portugal. Tho this is ordinary mercantile news, it looks like truth. The latest official intelligence from Paris is from Talleyrand Perigord to the French consul here, (Letombe,) dated Sep 28, saying that our Envoys were arrived, & would find every disposition on the part of his government to accommodate with us.

TO JAMES MADISON J. MSS.

PHILADELPHIA, January 25, 1798.

DEAR SIR,—I wrote you last on the 2d inst, on which day I received yours of Decr 25. I have not resumed my pen, because there has really been nothing worth writing about, but what you would see in the newspapers. There is, as yet, no certainty what will be the aspect of our affairs with France. Either the Envoys have not written to the government, or their communications are hushed up. This last is suspected, because so many arrivals have hap-

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pened from Bordeaux & Havre. The letters from American correspondents in France have been always to Boston; & the experience we had last summer of their adroitness in counterfeiting this kind of intelligence, inspires doubts as to their late paragraphs. A letter is certainly received here by an individual from Talleyrand, which says our Envoys have been heard, that their pretensions are high, that possibly no arrangement may take place, but that there will be no declaration of war by France. It is said that Bournonville has written that he has hopes of an accommodation (3. audiences having then, Nov, been had), and to be himself a member of a new diplomatic mission to this country. On the whole, I am entirely suspended as to what is to be expected. The representatives have been several days in debate on the bill for foreign intercourse. A motion has been made to reduce it to what it was before the extension of 1796. The debate will probably have good effects, in several ways, on the public mind, but the advocates for the reformation expect to lose the question. They find themselves deceived in the expectation entertained in the beginning of the session, that they had a majority. They now think the majority is on the other side by 2. or 3., and there are moreover 2. or 3. of them absent. Blount's affair is to come on next. In the mean time the Senate have before them a bill for regulating proceedings in impeachment. This will be made the occasion of offering a clause for the introduction of juries into these trials. (Compare the paragraph in the constitution which says, that the trial of all crimes, *except in cases of*

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impeachment, shall be by jury, with the VIIIth amendment, which says, that in *all* criminal prosecutions the trial shall be by jury.) There is no expectation of carrying this; because the division in the Senate is of 2. to 1., but it will draw forth the principles of the parties, and concur in accumulating proofs on which side all the sound principles are to be found.

Very acrimonious altercations are going on between the Spanish minister & the Executive, and at the Natchez something worse than mere altercation. If hostilities have not begun there, it has not been for want of endeavors to bring them on by our agents. Marshall, of Kentucky, this day proposed in Senate some amendments to the constitution. They were barely read just as we were adjourning, & not a word of explanation given. As far as I caught them in my ear, they went only to modifications of the elections of President & V President, by authorizing voters to add the office for which they name each, & giving to the Senate the decision of a disputed election of President, & to the Representatives that of Vice President. But I am apprehensive I caught the thing imperfectly, & probably incorrectly. Perhaps this occasion may be taken of proposing again the Virginia amendments, as also to condemn elections by the legislatures, themselves to transfer the power of trying impeachments from the Senate to some better constituted court, &c., &c.

Good tobo here is 13. doll., flour 8.50, wheat 1.50, but dull, because only the millers buy. The river, however, is nearly open, & the merchants will now

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come to market & give a spur to the price. But their competition will not be what it has been. Bankruptcies thicken, & the height of them has by no means yet come on. It is thought this winter will be very trying.

Friendly salutations to mrs. Madison. Adieu affectionately.

January 28. I enclose Marshall's propositions. They have been this day postponed to the 1st of June, chiefly by the vote of the anti-republicans, under the acknoleged fear that other amendments would be also proposed, and that this is not the time for agitating the public mind.

TO HENRY TAZEWELL J. MSS.

Jan. 27. 98.

As you mentioned that some of your Commee admitted that the introduction of juries into trials by impeachment under the VIIIth amendment depended on the question Whether an impeachment for a misdemeanor be a criminal prosecution? I devoted yesterday evening to the extracting passages from Law authors showing that in Law-language the term crime is in common use applied to *misdemeanors*, & that *impeachments*, even when for *misdemeanors* only are *criminal prosecutions*. These proofs were so numerous that my patience could go no further than two authors, Blackstone & Wooddeson. They shew that you may meet that question without the danger of being contradicted.

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The constitution closes the proofs by explaining its own meaning when speaking of *impeachments*, *crimes*, *misdemeanors*.

The object in supporting this engraftment into impeachments is to lessen the dangers of the court of impeachment under its present form & to induce dispositions in all parties in favor of a better constituted court of impeachment, which I own I consider as an useful thing, if so composed as to be clear of the spirit of faction. Do not let the enclosed paper be seen in my handwriting.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, Feb. 8, 98.

I wrote you last on the 25th Ult; since which yours of the 21st has been received. Bache had put 500. copies of Monroe's book on board a vessel, which was stopped by the early & unexpected freezing of the river. He then tried in vain to get them carried by fifties at a time, by the stage. The river is now open here, the vessels have fallen down, and if they can get through the ice below, the one with Bache's packet will soon be at Richmond. It is surmised here that Scipio is written by C. Lee. Articles of impeachment were yesterday given in against Blount. But many knotty preliminary questions will arise. Must not a *formal law* settle the oath of the Senators, forms of pleadings, process against person & goods, &c.? May he not appear by attorney? Must he not be tried by jury? Is a Senator

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impeachable? Is an ex-Senator impeachable? You will readily conceive that these questions, to be settled by 29. lawyers, are not likely to come to speedy issue. A very disagreeable question of privilege has suspended all other proceedings for several days. You will see this in the newspapers. The question of arming was to have come on, on Monday last; that morning, the President sent in an inflammatory message about a vessel taken & burnt by a French privateer, near Charleston. Of this he had been possessed some time, and it had run through all the newspapers. It seemed to come in very *apropos* for spurring on the disposition to arm. However, the question is not come on. In the meantime, the general spirit, even of the merchants, is becoming adverse to it. New Hampshire & Rhode island are unanimously against arming; so is Baltimore. This place becoming more so. Boston divided & desponding. I know nothing of New York; but I think there is no danger of the question being carried, unless something favorable to it is received from our Envoys. From them we hear nothing. Yet it seems reasonably believed that the Executive has heard, & that it is something which would not promote their views of arming. For every action of theirs shews they are panting to come to blows. Walker's bill will be applied to answer a draught of Colo. Monroe's on Barnes. I have not heard yet from Bailey. I wrote to you about procuring a rider for the Fredsbg post. The proposition should be here by the 14th inst., but I can get it kept open a little longer. There is no bidder yet but Green,

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the printer. £100 Virga. will be given. Giles has arrived.

TO JAMES MONROE MON. MSS.

[Post marked, Feby 8, 1798]

I received yesterday by mr. Giles yours of Jan. 27, and am well pleased with the indications of republicanism in our assembly. Their law respecting the printer is a good one. I only wish they would give the printing of the laws to one & journals to another. This would secure two, as each portion of the business would be object enough to the printer, and two places in their gift would keep within bounds the other printers also who would be in expectancy of catching something in case of either vacancy. Bache was prevented sending 500 copies of your book to Richmond by the freezing of this river after they were aboard the vessel. He tried in vain to get boxes of fifties carried on by the stages. However, the river is now open here, the vessels have fallen down, and if they find it open below, that with Bache's packets will soon be in Richmond. It has been said here that C. Lee was the author of Scipio, but I know of no authority for it. I had expected Hamilton would have taken the field, and that in that case you might have come forward yourself very shortly merely to strengthen and present in a compact view those points which you expected yourself they would lay hold of, particularly the disposition expressed to acquiesce under their spoiliatory decree. Scipio's attack is so weak as to make no impression. I

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understand that the opposite party admit that there is nothing in your conduct which can be blamed, except the divulging secrets: & this I think might be answered by a few sentences, discussing the question whether an Ambassador is the representative of his country or of the President. Barnes has accepted your bill. As to the question of your practising the law in Richmond, I have been too long out of the way in Virginia to give an opinion on it worth attention. I have understood the business is very profitable, much more so than in my time: and an opening of great importance must be made by the retirement of Marshall & Washington, which will be filled by somebody. I do expect that your farm will not sufficiently employ your time to shield you from ennui. Your mind is active, & would suffer if unemployed. Perhaps it's energies could not be more justifiably employed than for your own comfort. I should doubt very much however, whether you should combine with this the idea of living in Richmond, at least till you see farther before you. I have always seen that tho' a residence at the seat of government gave some advantages yet it increased expences also so seriously as to overbalance the advantages. I have always seen too that a good stand in the country intercepted more business than was shared by the residents of the city. Yours is a good stand. You need only visit Staunton Cts. some times to put yourself in the way of seeing clients.— The articles of impeachment against Blount were yesterday received by the Senate. Some great questions will immediately arise. 1. Can they pre-

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scribe their own oath, the forms of pleadings, issue process against person or goods by their own orders, without the formality of a law authorizing it? Has not the 8th amendment of the constitution rendered trial by jury necessary? Is a Senator impeachable? These and other questions promise no very short issue. The Representatives have a dirty business now before them on a question of privilege. This you will see in the public papers.—The question of arming our vessels was to have come on on Monday last. Accordingly the President that morning sent in an inflammatory message about a vessel taken near Charleston & burned by a French privateer, of which fact he had been sometime possessed, & it had been in all the newspapers. It seemed thrown in on that day precisely to give a spur to the question. However it did not come on. In the mean time the spirit of the merchants is going fast over to the safe side of the question. In New Hampshire and Rhode Island they are unanimous; in Baltimore also. In this place becoming more so. In Boston divided & desponding. Of New York I have no information. But I think the Proposition will not be carried, unless something befriending it should come from our envoys. Nothing transpires yet of their mission. Yet it cannot be well doubted but that the Executive must have received information. Perhaps it is of a nature to damp the spirit for arming.—Pray tell Colo. Bell (to whom I wrote about getting a rider for the Fredsbg. post) that the 14th. inst. is the day by which the proposition should come in. I can get it kept open a little longer. £100. our

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money will be given. My friendly salutations to mrs. Monroe. Adieu affectionately.

TO HUGH WILLIAMSON J. MSS.

PHILADELPHIA Feb. 11. 98.

DEAR SIR,—I have to acknolege the receipt of your favor of the 2d. inst. I will with great pleasure sound opinions on the subject you mention & see whether it can be brought forward with any degree of strength. I doubt it however & for this reason. You may recollect that a report which I gave into Congress in 93. & mr. Madison's propositions of Jan. 94. went directly to establish a navigation act on the British principle. On the last vote given on this (which was in Feb. 94.) from the three states of Massachusetts, Connecticut & Rhode island there were 2. votes for it & 20. against it; & from the 3. states of Virginia, Kentuckey, & N. Carolina, wherein not a single top mast vessel is, I believe owned by a native citizen, there were 25. votes for & 4. against the measure. I very much suspect that were the same proposition now brought forward, the northern vote would be nearly the same, while the southern one I am afraid, would be radically varied. The suggestion of their disinterested endeavors for placing our navigation on an independent footing & forcing on them the British treaty have not had a tendency to invite new offers of sacrifice & especially under the prospect of a new rejection. You observe that the rejection would change the politics of New England.

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But it would afford no evidence which they have not already in the records of Jan. & Feb. 94. However as I before mentioned I will with pleasure, sound the dispositions on that subject. If the proposition should be likely to obtain a reputable vote it may do good. As to myself I sincerely wish that the whole Union may accommodate their interests to each other, & play into their hands mutually as members of the same family, that the wealth & strength of any one part should be viewed as the wealth & strength of the whole. The countervailing act of G. Britain lately laid before us by the President, offers a just occasion of looking to our navigation. For the merchants here say that the effect of it will be that they themselves shall never think of employing an American vessel to carry produce to Gr. Britain after a peace. Not having as yet any conversation on this subject I cannot say whether it has excited sensibility either in the north or south. It shall be tried however. Accept assurances of the sincere esteem of Dear Sir your friend & servant.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, Feb 15. 98.

I wrote you last on the 8th. We have still not a word from our Envoys. This long silence (if they have been silent) proves things are not going on very roughly. If they have not been silent, it proves their information, if made public, would check the disposition to arm. I am flattered myself, from the

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progress of the public sentiment against arming, that the same progress had taken place in the legislature. But I am assured by those who have better opportunities of forming a good judgment, that if the question against arming is carried at all, it will not be by more than a majority of two; & particularly, that there will not be more than 4. votes against it from the 5. eastern states, or 5. votes at the utmost. You will have perceived that Dayton is gone over compleatly. He expects to be appointed Secretary of war, in the room of M'Henry, who, it is said, will retire. He has been told, as report goes, that they would not have confidence enough in him to appoint him. The desire of inspiring them with more, seems the only way to account for the eclat which he chuses to give to his conversion. You will have seen the disgusting proceedings in the case of Lyon: if they would have accepted even of a commitment to the serjeant, it might have been had. But to get rid of his vote was the most material object. These proceedings must degrade the General Government, and lead the people to lean more on their state governments, which have been sunk under the early popularity of the former. This day, the question of the jury in cases of impeachment comes on. There is no doubt how it will go. The general division in the Senate is 22. and 10.; and under the probable prospect of what it will forever be, I see nothing in the mode of proceeding by impeachment but the most formidable weapon for the purposes of a dominant faction that ever was contrived. It would be the most effectual one for getting rid of any man whom

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they consider as dangerous to their views, and I do not know that we could count on one-third on an emergency. It depends then on the H. of Representatives, who are the impeachers; & there the majorities are of 1., 2., or 3 only; & these sometimes one way & sometimes another: in a question of pure party they have the majority, and we do not know what circumstances may turn up to increase that majority temporarily, if not permanently. I know of no solid purpose of punishment which the courts of law are not equal to, and history shows, that in England, impeachment has been an engine more of passion than justice. A great ball is to be given here on the 22d, and in other great towns of the Union. This is, at least, very indelicate, & probably excites uneasy sensations in some. I see in it, however, this useful deduction, that the birth days which have been kept, have been, not those of the President, but of the General. I enclose with the newspapers, the two acts of parliament passed on the subject of our commerce, which are interesting. The merchants here say, that the effect of the countervailing tonnage on American vessels, will throw them completely out of employ as soon as there is peace. The eastern members say nothing but among themselves. But it is said that it is working like gravel in their stomachs. Our only comfort is, that they have brought it on themselves. My respectful salutation to mrs. Madison; & to yourself, friendship and adieu.

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TO HORATIO GATES J. MSS.

PHILADELPHIA, Feb 21, 98.

DEAR GENERAL,—I received duly your welcome favor of the 15th, and had an opportunity of immediately delivering the one it enclosed to General Kosciusko. I see him often, and with great pleasure mixed with commiseration. He is as pure a son of liberty as I have ever known, and of that liberty which is to go to all, and not to the few or the rich alone. We are here under great anxiety to hear from our Envoys. But I think this is one of the cases where no news is good news. If the dispositions at Paris threatened war, it is impossible that our envoys should not find some means of putting us on our guard, of warning us to begin our preparations: especially too when so many vessels have come from ports of France. And if writing were dangerous (which cannot be) there are so many of our countrymen at Paris who would bring us their viva voce communications. Peace then must be probable. I agree with you, that some of our merchants have been milking the cow: yet the great mass of them have become deranged; they are daily falling down by bankruptcies, and on the whole, the condition of our commerce far less firm & really prosperous, than it would have been by the regular operations and steady advances which a state of peace would have occasioned. Were a war to take place, and throw our agriculture into equal convulsions with our commerce, our business would be done at both ends. But this I hope will not be. The good news from the Natchez has cut off the fear of a breach in that

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quarter, where a crisis was brought on which has astonished every one. How this mighty duel is to end between Gr Britain and France, is a momentous question. The sea which divides them makes it a game of chance; but it is narrow, and all the chances are not on one side. Should they make peace, still our fate is problematical.

The countervailing acts of Gr Brit, now laid before Congress, threaten, in the opinion of merchants, the entire loss of our navigation to England. It makes a difference, from the present state of things, of 500. guineas on a vessel of 350 tons. If, as the newspapers have told us, France has renewed her *Arret* of 1789, laying a duty of 7. livres a hundred on all tobo brought in foreign bottoms (even our own), and should extend it to rice & other commodities, we are done, as navigators, to that country also. In fact, I apprehend that those two great nations will think it their interest not to permit us to be navigators. France had thought otherwise, and had shown an equal desire to encourage our navigation as her own, while she hoped it's weight would at least not be thrown into the scale of her enemies. She sees now that that is not to be relied on, and will probably use her own means, and those of the nations under her influence, to exclude us from the ocean. How far it may lessen our happiness to be rendered merely agricultural, how far that state is more friendly to principles of virtue & liberty, are questions yet to be solved. Kosciusko has been disappointed by the sudden peace between France & Austria. A ray of hope seemed to gleam on his mind

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for a moment, that the extension of the revolutionary spirit through Italy and Germany, might so have occupied the remnants of monarchy there, as that his country might have risen again. I sincerely rejoice to find that you preserve your health so well. That you may so go on to the end of the chapter, & that it may be a long one I sincerely pray. Make my friendly salutations acceptable to mrs. Gates, & accept yourself assurances of the great & constant esteem & respect of, dear Sir, your friend and servant.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, February 22, 98.

Yours of the 12th is received. I wrote you last on the 15th, but the letter getting misplaced, will only go by this post. We still hear nothing from our envoys. Whether the Executive hear, we know not. But if war were to be apprehended, it is impossible our envoys should not find means of putting us on our guard, or that the Executive should hold back their information. No news, therefore, is good news. The countervailing act, which I sent you by the last post, will, confessedly, put American bottoms out of employ in our trade with Gr Britain. So say well-informed merchants. Indeed, it seems probable, when we consider that hitherto, with the advantage of our foreign tonnage, our vessels could only share with the British, and the countervailing duties will, it is said, make a difference of 500. guineas to our prejudice on a ship of 350. tons. Still the Eastern

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men say nothing. Every appearance & consideration render it probable, that on the restoration of peace, both France & Britain will consider it their interest to exclude us from the ocean, by such peaceable means as are in their power. Should this take place, perhaps it may be thought just & politic to give to our *native capitalists* the monopoly of our internal commerce. This may at once relieve us from the danger of wars abroad and British thraldom at home. The news from the Natchez, of the delivery of the posts, which you will see in the papers, is to be relied on. We have escaped a dangerous crisis there. The great contest between Israel & Morgan, of which you will see the papers full, is to be decided this day. It is snowing fast at this time, and the most sloppy walking I ever saw. This will be to the disadvantage of the party which has the most invalids. Whether the event will be known this evening, I am uncertain. I rather presume not, & therefore, that you will not learn it till next post.

You will see in the papers, the ground on which the introduction of the jury into the trial by impeachment was advocated by mr. Tazewell, & the fate of the question. Reade's motion, which I enclosed you, will probably be amended & established, so as to declare a Senator unimpeachable, absolutely; and yesterday an opinion was declared, that not only officers of the State governments, but every private citizen of the U S, is impeachable. / Whether they will think this the time to make the declaration, I know not; but if they bring it on, I think there will be not more than two votes north of the Patowmac

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against the universality of the impeaching power. The system of the Senate may be inferred from their transactions heretofore, and from the following declaration made to me personally by their oracle.[1] No republic can ever be of any duration, without a Senate, & a Senate deeply and strongly rooted, strong enough to bear up against all popular storms & passions. The only fault in the constitution of our Senate is, that their term of office is not durable enough. Hitherto they have done well, but probably they will be forced to give way in time. I suppose their having done well hitherto, alluded to the stand they made on the British treaty. This declaration may be considered as their text; that they consider themselves as the bulwarks of the government, and will be rendering that the more secure, in proportion as they can assume greater powers. The foreign intercourse bill is set for to-day; but the parties are so equal on that in the H Repr that they seem mutually to fear the encounter. * * *

TO PEREGRINE FITZHUGH J. MSS.

PHILADELPHIA, Feb 23, 1798.

DEAR SIR,—I have yet to acknolege your last favor which I received at Monticello, and therefore cannot now recur to the date. The perversion of the expressions of a former letter to you which you mention to have been made in the newspapers, I

[1] On the margin of the press copy Jefferson has noted in pencil "Mr. Adams."

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had not till then heard of. Yet the spirit of it was not new. I have been for some time used as the property of the newspapers, a fair mark for every man's dirt. Some, too, have indulged themselves in this exercise who would not have done it, had they known me otherwise than thro these impure and injurious channels. It is hard treatment, and for a singular kind of offence, that of having obtained by the labors of a life the indulgent opinions of a part of one's fellow citizens. However, these moral evils must be submitted to, like the physical scourges of tempest, fire, &c. We are waiting with great anxiety to hear from our envoys at Paris. But the very circumstance of silence speaks, I think, plain enough. If there were danger of war we should certainly hear from them. It is impossible, if that were the aspect of their negociations, that they should not find or make occasion of putting us on our guard, & of warning us to prepare. I consider therefore their silence as a proof of peace. Indeed I had before imagined that when France had thrown down the gauntlet to England, and was pointing all her energies to that object, her regard for the subsistence of her islands would keep her from cutting off our resources from them. I hope, therefore, we shall rub through the war, without engaging in it ourselves, and that when in a state of peace our legislature & executive will endeavor to provide peaceable means of obliging foreign nations to be just to us, and of making their injustice recoil on themselves. The advantages of our commerce to them may be made the engine for this purpose, provided we shall

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be willing to submit to occasional sacrifices, which will be nothing in comparison with the calamities of war. Congress has nothing of any importance before them, except the bill on foreign intercourse, & the proposition to arm our merchant vessels. These will be soon decided, and if we then get peaceable news from our envoys, I know of nothing which ought to prevent our immediate separation. It had been expected that we must have laid a land tax this session. However, it is thought we can get along another year without it. Some very disagreeable differences have taken place in Congress. They cannot fail to lessen the respect of the public for the general government, and to replace their State governments in a greater degree of comparative respectability. I do not think it for the interest of the general government itself, & still less of the Union at large, that the State governments should be so little respected as they have been. However, I dare say that in time all these as well as their central government, like the planets revolving round their common sun, acting & acted upon according to their respective weights & distances, will produce that beautiful equilibrium on which our Constitution is founded, and which I believe it will exhibit to the world in a degree of perfection, unexampled but in the planetary system itself. The enlightened statesman, therefore, will endeavor to preserve the weight and influence of every part, as too much given to any member of it would destroy the general equilibrium. The ensuing month will probably be the most eventful ever yet seen in Modern Europe. It may

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probably be the season preferred for the projected invasion of England. It is indeed a game of chances. The sea which divides the combatants gives to fortune as well as to valor it's share of influence on the enterprise. But all the chances are not on one side. The subjugation of England would indeed be a general calamity. But happily it is impossible. Should it end in her being only republicanized, I know not on what principle a true republican of our country could lament it, whether he considers it as extending the blessings of a purer government to other portions of mankind, or strengthening the cause of liberty in our own country by the influence of that example. I do not indeed wish to see any nation have a form of government forced on them; but if it is to be done, I should rejoice at it's being a freer one. Permit me to place here the tribute of my regrets for the affecting loss lately sustained within your walls, and to add that of the esteem & respect with which I am, dear Sir, your friend and servant.

TO JAMES MADISON MAD. MSS.

P, March 2, 98.

I wrote you last on the 22; since which I have received yours without date, but probably of about the 18th or 19th. An arrival to the Eastward brings us some news, which you see detailed in the papers. The new partition of Europe is sketched, but how far authentic we know not. It has some probability in it's favor. The French appear busy in their prepara-

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tions for the invasion of England; nor is there any appearance of movements on the part of Russia & Prussia which might divert them from it.

The late birth-night has certainly sown tares among the exclusive federals, It has winnowed the grain from the chaff. The sincerely Adamites did not go. The Washingtonians went religiously, & took the secession of the others in high dudgeon. The one sect threaten to desert the levees, the other the evening parties. The whigs went in number, to encourage the idea that the birth-nights hitherto kept had been for the General & not the President, and of course that time would bring an end to them. Goodhue, Tracy, Sedgwick, &c., did not attend; but the three Secretaries & Attorney General did.

We were surprised, the last week, with a symptom of a disposition to repeal the stamp act. Petitions for that purpose had come from Rhode island & Virginia, & had been committed to rest with the Ways & Means. Mr. Harper, their chairman, in order to enter on the law for amending it, observed it would be necessary first to put the petitions for repeal out of the way, and moved an immediate decision on them. The Rhode islanders begged & prayed for a postponement; that not expecting that that question was to be called up, they were not at all prepared; but Harper would shew no mercy; not a moment's delay should be allowed. It was taken up, and, on a question without debate, determined in favor of the petitions by a majority of 10. Astonished & confounded, when an order to bring in a bill for repeal was moved, they began in

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turn to beg for time; 3. weeks, one week, 3. days, 1. day; not a moment would be yielded. They made three attempts for adjournment. But the majorities appeared to grow. It was decided, by a majority of 16., that the bill should be brought in. It was brought in the next day, & on the day after passed, sent up to the Senate, who instantly sent it back rejected by a silent vote of 15. to 12. R I & N Hampshire voted for the repeal in Senate. The act will therefore go into operation July 1, but probably without amendments. However, I am persuaded it will be short-lived. It has already excited great commotion in Vermont, and grumblings in Connecticut. But they are so priest-ridden, that nothing is expected from them, but the most bigoted passive obedience.

No news yet from our commissioners; but their silence is admitted to augur peace. There is no talk yet of the time of adjourning, tho' admitted we have nothing to do, but what could be done in a fortnight or three weeks. When the spring opens, and we hear from our commissioners, we shall probably draw pretty rapidly to conclusion. A friend of mine here wishes to get a copy of Mazzei's *Recherches historiques et politiques*. Where are they? Salutations & adieu.

Wheat 1.50. flour 8.50 tobo 13.50.

TO JAMES MONROE MON. MSS.

PHILADELPHIA Mar. 8. 98.

DEAR SIR,—I have to acknolege the receipt of yours of Feb. 12. 19. & 25. At length the charm is

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broke, and letters have been received from our envoys at Paris. One only of them has been communicated, of which I enclose you a copy with the documents accompanying it. The decree therein proposed to be passed has struck the greatest alarm through the merchants I have ever yet witnessed. As it has not been known more than two or three days, it's particular operations are not yet developed. It will probably drive our vessels out of the British trade, because as they will not have the benefit of convoy they cannot bring a return cargo from Great Britain, but on much higher insurance than the British vessels who will have convoy: nor can they carry out produce but on much higher freight because they will be to return empty, in which case the British will underwork them. It seems then as if one effect would be to increase the British navigation. Unless indeed our vessels instead of laying themselves up in port, should go to other markets with their produce & for return cargoes. However it is not probable this state of things will last long enough to have any great effect. The month of April I think will see the experiment of the invasion, and that will be a short one. You will see in Bache's paper of this morning the 5th. number of some pieces written by T. Coxe, in which this proposed decree is well viewed. How it will operate on our question about arming, we do not yet know. Some talk of letters of marque & reprisal, yet on the whole I rather believe it will not add to the number of voters for arming. This measure with the decrees of the British courts that British subjects adopted here since the peace and

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carrying on commerce from hence, are still British subjects, & their cargoes British property, has shaken these quasi-citizens in their condition. The French adopt the same principle as to their cargoes when captured. A privateer lately took near our coast an E. Indiaman worth 250.000 D. belonging to one of these lately emigrated houses. Is it worth our while to go to war to support the contrary doctrine? The British principle is clearly against the law of nations, but which way our interest lies is also worthy consideration. The influence of this description of merchants on our government & on the public opinion is not merely innocent, it's absence would not weaken our union—the issue of the question on foreign intercourse has enabled us to count the strength of the two parties in the H. of representatives. It is 51. & 55 if all the members were present. The whigs being a minority of 4. but in this computation all wavering characters are given to the other side. Jersey has laid itself off into districts, which instead of an uniform delegation, will give one chequered as the state is. They will at their next election send whigs from two districts. Pennsylvania, at her next election (in October) will add two more to the whig list. Let us hope that Morgan & Macher will give place to whig successors. I do not know that this can be hoped for from our Eastern shore. This much I think tolerably certain, besides the natural progress of public sentiment in other quarters, & the effect of the events of the time. We do not think then that the partizans of Republican government

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should despair.—They do not yet talk of the time of adjournment though confessedly they have nothing to do. Yet I trust it will be early in the ensueing month.—How far it may be eligible for you to engage in the practice of the law I know not. On the question of your removal to Richmond, I may doubtless be under bias, when I suppose it's expediency questionable. The expence to be incurred in the first moments will certainly be great. Could it be only deferred for a while it would enable you to judge whether the prospect opened will be worth that dislocation of your affairs, or whether some other career may not open on you. Of these things nobody but yourself can judge. It is a question too for yourself whether a seat among the judges of the state would be an object for you. On all these points your friends can only offer motives for consideration: on which none but yourself can decide avec connoissance de cause. I really believe that some employment, more than your farms will furnish, will be necessary to your happiness. You are young, your mind active, and your health vigorous. The languor of ennui would, in such a condition of things, be intolerable. Make my most respectful salutations to mrs. Monroe, & accept friendly adieux to yourself.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, Mar 15, 98.

I wrote you last on the 2d instt. Your's of the 4th is now at hand. The public papers will give you the

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news of Europe. The French decree making the vessel friendly or enemy, according to the hands by which the cargo was manufactured, has produced a great sensation among the merchants here. Its operation is not yet perhaps well understood; but probably it will put our shipping out of competition, because British bottoms, which can come under convoy, will alone be trusted with return cargoes. Our's, losing this benefit, would need a higher freight out, in which, therefore, they will be underbid by the British. They must then retire from the competition. Some no doubt will try other channels of commerce, and return cargoes from other countries. This effect would be salutary. A very well-informed merchant, too, (a Scotsman, entirely in the English trade,) told me, he thought it would have another good effect, by checking & withdrawing our over-extensive commerce & navign (the fruit of our neutral position) within those bounds to which peace must necessarily bring them. That this being done by degrees, will probably prevent those numerous failures produced generally by a peace coming on suddenly. Notwithstanding this decree, the sentiments of the merchants become more & more cooled & settled down against arming. Yet it is believed the Representatives do not cool; and tho' we think the question against arming will be carried, yet probably by a majority of only 4. or 5. Their plan is, to have convoys furnished for our vessels going to Europe, & smaller vessels for the coasting defence. On this condition, they will agree to fortify Southern harbors, and build some galleys. It has been con-

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cluded among them, that if war takes place, Wolcott is to be retained in office, that the Pt must give up M'Henry, & as to Pickering they are divided, the Eastern men being determined to retain him, their middle & Southern brethren wishing to get rid of him. They have talked of Genl. Pinckney as successor to M'Henry. This information is certain. However, I hope that we shall avoid war, & save them the trouble of a change of ministry. The P has nominated J Q Adams Commissioner Plenipoty to renew the treaty with Sweden. Tazewell made a great stand against it, on the general ground that we should let our treaties drop, & remain without any. He could only get 8. votes against 20. A trial will be made to-day in another form, which he thinks will give 10. or 11. against 16. or 17. declaring the renewal inexpedient. In this case, notwithstanding the nomination has been confirmed, it is supposed the P would perhaps not act under it, on the probability that more than a third would be against the ratification. I believe, however, that he would act, & that a third could not be got to oppose the ratification. It is acknoleged we have nothing to do but to decide the question about arming. Yet not a word is said about adjourning; and some even talk of continuing the session permanently; others talk of July & August. An effort, however, will soon be made for an early adjournment.

My friendly salutations to mrs. Madison; to yourself affectionate adieux.

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TO JAMES MADISON MAD. MSS.

PHILADELPHIA, Mar 21, 98.

I wrote you last on the 15th; since that, yours of the 12th is received. Since that, too, a great change has taken place in the appearance of our political atmosphere. The merchants, as before, continue, a respectable part of them, to wish to avoid arming. The French decree operated on them as a sedative, producing more alarm than resentment; on the Representatives, differently. It excited indignation highly in the war party, tho' I do not know that it had added any new friends to that side of the question. We still hoped a majority of about 4.; but the insane message which you will see in the public papers has had great effect. Exultation on the one side, & a certainty of victory; while the other is petrified with astonishment. Our Evans, tho' his soul is wrapt up in the sentiments of this message, yet afraid to give a vote openly for it, is going off to-morrow, as is said. Those who count, say there are still 2. members of the other side who will come over to that of peace. If so, the numbers will be for war measures, 52., against them 53.; if all are present except Evans. The question is, what is to be attempted, supposing we have a majority? I suggest two things: 1. As the President declares he has withdrawn the Executive prohibition to arm, that Congress should pass a Legislative one. If that should fail in the Senate, it would heap coals of fire on their head. 2. As to do nothing & to gain time is everything with us, I propose that they shall come to a resolution of adjournment, "in order to go home

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& consult their constituents on the great crisis of American affairs now existing." Besides gaining time enough by this, to allow the descent on England to have it's effect here as well as there, it will be a means of exciting the whole body of the people from the state of inattention in which they are; it will require every member to call for the sense of his district by petition or instruction; it will shew the people with which side of the House their safety as well as their rights rest, by shewing them which is for war & which for peace; & their representatives will return here invigorated by the avowed support of the American people. I do not know, however, whether this will be approved, as there has been little consultation on the subject. We see a new instance of the inefficiency of Constitutional guards. We had relied with great security on that provision, which requires two-thirds of the Legislature to declare war. But this is completely eluded by a majority's taking such measures as will be sure to produce war. I wrote you in my last, that an attempt was to be made on that day in Senate, to declare an inexpediency to renew our treaties. But the measure is put off under a hope of it's being attempted under better auspices. To return to the subject of war, it is quite impossible, when we consider all it's existing circumstances, to find any reason in it's favor resulting from views either of interest or honor, & plausible enough to impose even on the weakest mind; and especially, when it would be undertaken by a majority of one or two only. Whatever then be our stock of charity or liberality,

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we must resort to other views. And those so well known to have been entertained at Annapolis, & afterwards at the grand convention, by a particular set of men, present themselves as those alone which can account for so extraordinary a degree of impetuosity. Perhaps, instead of what was then in contemplation, a separation of the union, which has been so much the topic to the Eastward of late, may be the thing aimed at. I have written so far, two days before the departure of the post. Should anything more occur to-day or to-morrow, it shall be added.

22d. At night. Nothing more.

TO JAMES MONROE MON. MSS.

PHILADELPHIA Mar. 21. 98.

The public papers will present to you the almost insane message sent to both houses of Congress 2. or 3. days ago. This has added to the alarm of the sounder and most respectable part of our merchants. I mean those who are natives, are solid in their circumstances & do not need the lottery of war to get themselves to rights. The effect of the French decree on the representatives had been to render the war party inveterate & more firm in their purpose without adding to their numbers. In that state of things we had hoped to avert war measures by a majority of 4. At this time, those who court talk of it's being reduced to a majority of 1. or 2. if a Majority be with us at all. This is produced by the

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weight of the Executive opinion. The first thing proposed by the whigs will be a call for papers. For if Congress are to act on the question of war, they have a right to information. The 2d. to pass a Legislative prohibition to arm vessels instead of the Executive one which the President informs them he has withdrawn. These questions will try the whig strength, on the ground of war. The 3d. to adjourn to consult our constituents on the great crisis of American affairs now existing. This measure appears to me under a very favorable aspect. It gives time for the French operations on England to have their effect here as well as there. It awakens the people from the slumber over public proceedings in which they are involved. It obliges every member to consult his district on the simple question of war or peace: it shews the people on which side of the house are the friends of their peace as well as their rights, & brings back those friends to the next session supported by the whole American people. I do not know however whether this last measure will be proposed. The late maneuvres have added another proof to the inefficiency of constitutional barriers. We had reposed great confidence in that provision of the Constitution which requires ⅔ of the Legislature to declare war. Yet it can be entirely eluded by a majority's taking such measures as will bring on war.—My last to you was of the 8th inst. The last recd from you was of Feb. 25.

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TO DR. SAMUEL BROWN J. MSS.

PHILADELPHIA Mar. 25. 98.

DEAR SIR,—You were a witness, before you left our side of the continent, to the endeavours of the tory part among us, to write me down as far as they could find or make materials. "O! that mine enemy would write a book!" has been a well known prayer against an enemy. I had written a book, & it has furnished matter for abuse for want of something better. Mr. Martin's polite attack on the subject of Cresap & Logan, as stated in the *Notes on Virginia*, had begun before you left us, it has continued & still continues; though after the perusal of the first letter had shown me what was to be the style of those subsequent, I have avoided reading a single one. A friend of mine having wished for a general explanation of the foundation of the case of Logan, I wrote him a letter of which I had a few copies printed, to give to particular friends for their satisfaction, & on whom I could rely against the danger of its being published. I enclose you a copy as well for these purposes, as that I think it may be in your power to obtain some information for me. Indeed I suppose it probable that General Clarke may know something of the facts relative to Logan or Cresap. I shall be much obliged to you for any information you can procure on this subject. You will see by the enclosed in what way I mean to make use of it. I am told you are preparing to give us an account of the General, which for its matter I know, & for its manner I doubt not, will be highly interesting. I am in hopes in connecting with it some account of Kentuckey that your

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information & his together will be able to correct & supply what I had collected relative to it in a very early day. Indeed it was to Genl. Clarke I was indebted for what degree of accuracy there was in most of my statements. I wish you to attend particularly to the overflowage of the Mississippi, on which I have been accused of error. Present me affectionately to the General & assure him of my constant remembrance & esteem: & accept yourself salutations & sentiments of sincere attachment from, Dear Sir, your friend & servant.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, Mar 29, 98.

I wrote you last on the 21st. Your's of the 12th, therein acknoleged, is the last recd. The measure I suggested in mine, of adjourning for consultation with their constituents, was not brought forward; but on Tuesday 3. resolutions were moved, which you will see in the public papers. They were offered in committee, to prevent their being suppressed by the previous question, & in the commee on the state of the Union, to put it out of their power, by the rising of the commee & not sitting again, to get rid of them. They were taken by surprise, not expecting to be called to vote on such a proposition as "that it is inexpedient to resort to war against the French republic." After spending the first day in seeking on every side some hole to get out at, like an animal first put into a cage, they gave up that resource. Yesterday they came forward boldly, and

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openly combated the proposition. Mr. Harper & Mr. Pinckney pronounced bitter philippics against France, selecting such circumstances & aggravations as to give the worst picture they could present. The latter, on this, as in the affair of Lyon & Griswold, went far beyond that moderation he has on other occasions recommended. We know not how it will go. Some think the resolution will be lost, some, that it will be carried; but neither way, by a majority of more than 1. or 2. The decision of the Executive, of two-thirds of the Senate, & half the house of representatives, is too much for the other half of that house. We therefore fear it will be borne down, and are under the most gloomy apprehensions. In fact, the question of war & peace depends now on a toss of cross & pile. If we could but gain this season, we should be saved. The affairs of Europe would of themselves relieve us. Besides this, there can be no doubt that a revolution of opinion in Massachusetts & Connecticut is working. Two whig presses have been set up in each of those States. There has been for some days a rumor, that a treaty of alliance, offensive & defensive with G Britain, is arrived. Some circumstances have occasioned it to be listened to; to wit, the arrival of mr. King's Secretary, which is affirmed, the departure of mr. Liston's secretary, which I know is to take place on Wednesday next, the high tone of the executive measures at the last & present session, calculated to raise things to the unison of such a compact, and supported so desperately in both houses in opposition to the pacific wishes of the people, & at the risque of their appro-

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bation at the ensuing election. Langdon yesterday, in debate, mentioned this current report. Tracy, in reply, declared he knew of no such thing, did not believe it, nor would be it's advocate. The Senate are proceeding on the plan communicated in mine of Mar. 15. They are now passing a bill to purchase 12. vessels of from 14. to 22. guns, which with our frigates are to be employed as convoys & guarda costas. They are estimated, when manned & fitted for sea, at 2. millions. They have past a bill for buying one or more founderies. They are about bringing in a bill for regulating private arming, and the defensive works in our harbors have been proceeded on some time since.

An attempt has been made to get the Quakers to come forward with a petition, to aid with the weight of their body the feeble band of peace. They have, with some effort, got a petition signed by a few of their society; the main body of their society refuse it. Mc'Lay's peace motion in the assembly of Pennsylvania was rejected with an unanimity of the Quaker vote, and it seems to be well understood, that their attachment to England is stronger than to their principles or their country. The revolution war was a first proof of this. Mr. White, from the federal city, is here, soliciting money for the buildings at Washington. A bill for 200.000 D has passed the H R, & is before the Senate, where it's fate is entirely uncertain. He is become perfectly satisfied that mr. A is radically against the government's being there. Goodhue (his oracle) openly said in commee, in presence of White, that he knew the

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government was obliged to go there, but they would not be obliged to stay there. Mr. A said to White, that it would be better that the President should rent a common house there, to live in; that no President would live in the one now building. This harmonizes with Goodhue's idea of a short residence. I write this in the morning, but need not part with it till night. If anything occurs in the day it shall be added.

P. M. Nothing material has occurred. Adieu.

TO EDMUND PENDLETON J. MSS.

PHILADELPHIA, Apr 2, 98.

DEAR SIR,—I have to acknolege the receipt of your favor of Jany 29. and as the rising of Congress seems now to be contemplated for about the last of this month, and it is necessary that I settle mr. Short's matter with the Treasury before my departure, I take the liberty of saying a word on that subject. The sum you are to pay is to go to the credit of a demand which mr. Short has on the treasury of the U S and for which they consider mr. Randolph as liable to them, so that the sum he pays to Short directly lessens so much the balance to be otherwise settled. Mr. Short, by a letter received a few days ago, has directed an immediate employment of the whole sum in a particular way. I wish your sum settled, therefore, that I may call on the Treasury for the exact balance. I should have thought your best market for stock would have been here, and I am

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convinced, the quicker sold the better; for, should the war measures recommended by the Executive, & taken up by the legislature, be carried through, the fall of stock will be very sudden, war being then more than probable. Mr. Short holds some stock here, and, should the first of Mr. Sprigg's resolutions, now under debate in the lower house be rejected, I shall, within 24. hours from the rejection, sell out the whole of mr. Short's stock. How that resolution will be disposed of (to wit, that against the expediency of war with the French republic), is very doubtful. Those who count votes vary the issue from a majority of 4. against the resolution to 2. or 3. majority in it's favor. So that the scales of peace & war are very nearly in equilibrio. Should the debate hold many days, we shall derive aid from the delay. Letters received from France by a vessel just arrived, concur in assuring us, that, as all the French measures bear equally on the Swedes & Danes as on us, so they have no more purpose of declaring war against us than against them. Besides this, a wonderful stir is commencing in the Eastern states. The dirty business of Lyon & Griswold was of a nature to fly through the newspapers, both whig & tory, & to excite the attention of all classes. It, of course, carried to their attention, at the same time, the debates out of which that affair sprung. The subject of these debates was, whether the representatives of the people were to have no check on the expenditure of the public money, & the executive to squander it at their will, leaving to the Legislature only the drudgery of furnishing the money. They begin to

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open their eyes on this to the Eastward & to suspect they have been hoodwinked. Two or three whig presses have set up in Massachusetts, & as many more in Connecticut. The late war message of the president has added new alarm. Town meetings have begun in Massachusetts, and are sending on their petitions & remonstrances by great majorities, against war-measures, and these meetings are likely to spread. The present debate, as it gets abroad, will further show them, that it is their members who are for war measures. It happens, fortunately, that these gentlemen are obliged to bring themselves forward exactly in time for the Eastern elections to Congress, which come on in the course of the ensuing summer. We have, therefore, great reason to expect some favorable changes in the representatives from that quarter. The same is counted on with confidence from Jersey, Pennsylvania, & Maryland; perhaps one or two also in Virginia; so that, after the next election, the whigs think themselves certain of a very strong majority in the H of Representatives; and tho' against the other branches they can do nothing good, yet they can hinder them from doing ill. The only source of anxiety, therefore, is to avoid war for the present moment. If we can defeat the measures leading to that during this session, so as to gain this summer, time will be given, as well for the public mind to make itself felt, as for the operations of France to have their effect in England as well as here. If, on the contrary war is forced on, the tory interest continues dominant, and to them alone must be left, as they alone desire to

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ride on the whirlwind, & direct the storm. The present period, therefore, of two or three weeks, is the most eventful ever known since that of 1775. and will decide whether the principles established by that contest are to prevail, or give way to those they subverted. Accept the friendly salutations & prayers for your health & happiness, of, dear Sir, your sincere and affectionate friend.

P. S. Compliments to Mr. Taylor. I shall write to him in a few days.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, April 5, 98.

I wrote you last on the 29th ult; since which I have no letter from you. These acknolegments regularly made and attended to, will shew whether any of my letters are intercepted, and the impression of my seal on wax (which shall be constant hereafter) will discover whether they are opened by the way. The nature of some of my communications furnishes ground of inquietude for their safe conveyance. The bill for the federal buildings labors hard in Senate, tho', to lessen opposition, the Maryland Senator himself proposed to reduce the 200.000 D to one-third of that sum. Sedgwick & Hillhouse violently opposed it. I conjecture that the votes will be either 13. for & 15. against it, or 14. & 14. Every member declares he means to go there, but tho' charged with an intention to come away again, not one of them disavowed it. This will engender incurable distrust. The debate on mr. Sprigg's

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resolutions has been interrupted by a motion to call for papers. This was carried by a great majority. In this case, there appeared a separate squad, to wit, the Pinckney interest, which is a distinct thing, and will be seen sometimes to lurch the President. It is in truth the Hamilton party, whereof P is only made the stalking horse. The papers have been sent in & read, & it is now under debate in both houses, whether they shall be published. I write in the morning, & if determined in the course of the day in favor of publication, I will add in the evening a general idea of their character. Private letters from France, by a late vessel which sailed from Havre, Feb 5, assure us that France, classing us in her measures with the Swedes & Danes, has no more notion of declaring war against us than them. You will see a letter in Bache's paper of yesterday, which came addressed to me. Still the fate of Sprigg's resolutions seems in perfect equilibrio. You will see in Fenno two numbers of a paper signed Marcellus. They promise much mischief, and are ascribed, without any difference of opinion, to Hamilton. You must, my dear Sir, take up your pen against this champion. You know the ingenuity of his talents; & there is not a person but yourself who can foil him. For heaven's sake, then take up your pen, and do not desert the public cause altogether.

Thursday evening. The Senate have, to-day, voted the publication of the communications from our envoys. The House of Repr. decided against the publication by a majority of 75 to 24. The Senate adjourned, over to-morrow (good Friday),

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to Saturday morning; but as the papers cannot be printed within that time, perhaps the vote of the H of R may induce the Senate to reconsider theirs. For this reason, I think it my duty to be silent on them. Adieu.

TO JAMES MONROE MON. MSS.

PHILADELPHIA, Apr. 5, 98.

I wrote you last on the 21st. of Mar. Since which yours of the 26th. of March is received. Yesterday I had a consultation with mr. Dawson on the matter respecting Skipwith. We have neither of us the least hesitation, on a view of the ground, to pronounce against your coming forward in it at all. Your name would be the watchword of party at this moment, and the question would give opportunities of slander, personal hatred, and injustice, the effect of which on the justice of the case cannot be calculated. Let it therefore come forward in Skipwith's name, without your appearing even to know of it. But is it not a case which the auditor can decide? If it is, that tribunal must be first resorted to. I do not think Scipio worth your notice. He has not been noticed here but by those who were already determined. Your narrative and letters wherever they are read produce irresistable conviction, and cannot be attacked but by a contradiction of facts, on which they do not venture. Finding you unassailable in that quarter, I have reason to believe they are preparing a batch of small stuff, such as refusing to drink Genl. Washington's health, speaking ill of him,

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& the government, withdrawing civilities from those attached to him, countenancing Paine to which they add connivance at the equipment of privateers by Americans. I am told some sort of an attack is preparing, founded on the depositions of 2. or 3. Americans. We are therefore of opinion here that Dr. Edward's certificate (which he will give very fully) should not be published, but reserved to repel these slanders, adding to it such others as the nature of them may call for. Mr. Dawson thinks he can easily settle the disagreeable business with M. The difficulty & delicacy will be with G. He is to open the matter to them to day and will write to you this evening. It is really a most afflicting consideration that it is impossible for a man to act in any office for the public without encountering a persecution which even his retirement will not withdraw him from. At this moment my name is running through all the city as detected in a criminal correspondence with the French directory, & fixed upon me by the documents from our envoys now before the two houses. The detection of this by the publication of the papers, should they be published, will not relieve all the effects of the lie, and should they not be published, they may keep it up as long and as successfully as they did and do that of my being involved in Blount's conspiracy. The question for the publication of the communications from our envoys is now under consideration in both houses. But if published, you cannot get them till another post. The event of mr. Sprigg's resolutions is extremely doubtful. The first one now under consideration (to wit

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that it is not expedient to resort to war) will perhaps be carried or rejected by a majority of 1. or 2. only. Consequently it is impossible previously to say how it will be. All war-measures, debtors of our country will follow the fortunes of that resolution. Measures for internal defence will be agreed to. Letters from France by a vessel which left Havre Feb. 5. express the greatest certainty that the French government, classing us in all her measures with Denmark & Sweden, has no more idea of declaring war against us than against them. Consequently it rests with ourselves. Present my best respects to mrs. Monroe & accept yourself friendly salutations & adieux.

P. S. I will hereafter seal my letters with wax, & the same seal. Pay attention if you please to the state of the impression.

TO JAMES MADISON MAD. MSS.

Apr. 6, 98.

So much of the communications from our envoys has got abroad, & so partially, that there can now be no ground for reconsideration with the Senate. I may therefore, consistently with duty, do what every member of the body is doing. Still, I would rather you would use the communication with reserve till you see the whole papers. The first impressions from them are very disagreeable & confused. Reflection, however, & analysis resolves them into this. Mr. A's speech to Congress in May is deemed such a national

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affront, that no explanation on other topics can be entered on till that, as a preliminary, is wiped away by humiliating disavowals or acknolegments. This working hard with our envoys, & indeed seeming impracticable for want of that sort of authority, submission to a heavy amercement (upwards of a million sterl.) was, at an after meeting, suggested as an alternative, which might be admitted if proposed by us. These overtures had been through informal agents; and both the alternatives bringing the envoys to their ne plus, they resolve to have no more communication through inofficial characters, but to address a letter directly to the government, to bring forward their pretensions. This letter had not yet, however, been prepared. There were, interwoven with these overtures some base propositions on the part of Taleyrand, through one of his agents, to sell his interest & influence with the Directory towards smoothing difficulties with them, in consideration of a large sum (50.000 £ sterl); and the arguments to which his agent resorted to induce compliance with this demand, were very unworthy of a great nation, (could they be imputed to them,) and calculated to excite disgust & indignation in Americans generally, and alienation in the republicans particularly, whom they so far mistake, as to presume an attachment to France and hatred to the Federal party, & not the love of their country, to be their first passion. No difficulty was expressed towards an adjustment of all differences & misunderstandings, or even ultimately a paiment for spoliations, if the insult from our Executive should be first wiped

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away. Observe, that I state all this from only a single hearing of the papers, & therefore it may not be rigorously correct. The little slanderous imputation before mentioned, has been the bait which hurried the opposite party into this publication. The first impressions with the people will be disagreeable, but the last & permanent one will be, that the speech in May is now the only obstacle to accommodation, and the real cause of war, if war takes place. And how much will be added to this by the speech of November, is yet to be learnt. It is evident, however, on reflection, that these papers do not offer one motive the more for our going to war. Yet such is their effect on the minds of wavering characters, that I fear, that to wipe off the imputation of being French partisans, they will go over to the war measures so furiously pushed by the other party. It seems, indeed, as if they were afraid they should not be able to get into war till Great Britain will be blown up, and the prudence of our countrymen from that circumstance, have influence enough to prevent it. The most artful misrepresentations of the contents of these papers were published yesterday, & produced such a shock on the republican mind, as has never been seen since our independence. We are to dread the effects of this dismay till their fuller information. Adieu.

P. M. Evening papers have come out since writing the above. I therefore inclose them. Be so good as to return Brown's by post, as I keep his set here. The representatives are still unfaithful.

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TO JAMES MADISON MAD. MSS.

PHILADELPHIA, Apr. 12, 98.

I wrote you two letters on the 5th inst; since which I have recd yours of the 2d. I send you, in a separate package, the instructions to our envoys & their communications. You will find that my representation of their contents from memory, was substantially just. The public mind appears still in a state of astonishment. There never was a moment in which the aid of an able pen was so important to place things in their just attitude. On this depend the inchoate movement in the Eastern mind, and the fate of the elections in that quarter, now beginning & to continue through the summer. I would not propose to you such a task on any ordinary occasion. But be assured that a well-digested analysis of these papers would now decide the future turn of things, which are at this moment on the creen. The merchants here are meeting under the auspices of Fitzsimmons, to address the President & approve his propositions. Nothing will be spared on that side. Sprigg's first resolution against the expediency of war, proper at the time it was moved, is now postponed as improper, because to declare that, after we have understood it has been proposed to us to buy peace, would imply an acquiescence under that proposition. All, therefore, which the advocates of peace can now attempt, is to prevent war measures *externally*, consenting to every rational measure of *internal* defence & preparation. Great expences will be incurred; & it will be left to those whose measures render them necessary, to provide to meet them.

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They already talk of stopping all paiments of interest, & of a land tax. These will probably not be opposed. The only question will be, how to modify the land tax. On this there may be great diversity of sentiment. One party will want to make it a new source of patronage & expence. If this business is taken up, it will lengthen our session. We had pretty generally, till now, fixed on the beginning of May for adjournment. I shall return by my usual routes, & not by the Eastern shore, on account of the advance of the season. Friendly salutations to mrs. Madison & yourself. Adieu.

TO PETER CARR J. MSS.

PHILADELPHIA, Apr. 12, 98.

As the instructions to our envoys & their communications have excited a great deal of curiosity, I enclose you a copy. You will perceive that they have been assailed by swindlers, whether with or without the participation of Taleyrand is not very apparent. The known corruption of his character renders it very possible he may have intended to share largely in the 50,000£ demanded. But that the Directory knew anything of it is neither proved nor probable. On the contrary, when the Portuguese ambassador yielded to like attempts of swindlers, the conduct of the Directory in imprisoning him for an attempt at corruption, as well as their general conduct really magnanimous, places them above suspicion. It is pretty evident that mr. A.'s

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speech is in truth the only obstacle to negociation. That humiliating disavowals of that are demanded as a preliminary, or as a commutation for that a heavy sum of money, about a million sterling. This obstacle removed, they seem not to object to an arrangement of all differences, and even to settle & acknolege themselves debtors for spoliations. Nor does it seem that negociation is at an end, as the P's message says, but that it is in it's commencement only. The instructions comply with the wishes expressed in debate in the May session to place France on as good footing as England, & not to make a *sine qua non* of the indemnification for spoliation; but they declare the war in which France is engaged is not a defensive one, they reject the naturalization of French ships, that is to say the exchange of naturalization which France had formerly proposed to us, & which would lay open to us the unrestrained trade of her West Indies & all her other possessions; they declare the 10th article of the British treaty, against sequestering debts, money in the funds, bank stock, &c., to be founded in morality, & therefore of perpetual obligation, & some other heterodoxes.

You will have seen in the newspapers some resolutions proposed by mr. Sprigg, the first of which was, that it is inexpedient under existing circumstances to resort to war with France. Whether this could have been carried before is doubtful, but since it is known that a sum of money has been demanded, it is thought this resolution, were it now to be passed, would imply a willingness to avoid war even by purchasing peace. It is therefore postponed. The peace party will

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agree to all reasonable measures of internal defence, but oppose all external preparations. Tho' it is evident that these communications do not present one motive the more for going to war, yet it may be doubted whether we are now strong enough to keep within the defensive line. It is thought the expences contemplated will render a land tax necessary before we separate. If so, it will lengthen the session. The first impressions from these communications are disagreeable; but their ultimate effect on the public mind will not be favorable to the war party. They may have some effect in the first moment in stopping the movement in the Eastern states, which were on the creen, & were running into town meetings, yet it is believed this will be momentary only, and will be over before their elections. Considerable expectations were formed of changes in the Eastern delegations favorable to the whig interest. Present my best respects to mrs. Carr, & accept yourself assurance of affectionate esteem.

TO JAMES MONROE MON. MSS.

April 19. 98.

I wrote you on the 5th. inst. and on the 12th. I enclosed you a copy of the instructions & communications from our envoys. In that of the 5th I acknoleged the receipt of your last at hand of Mar. 26. The impressions first made by those communications continue strong & prejudicial here. They have enabled the merchants to get a war-petition

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very extensively signed. They have also carried over to the war-party most of the waverers in the H. of R. This circumstance with the departure of 4. Southern members, & others going, have given a strong majority to the other party. The expences will probably bring them up: but in the mean time great & dangerous follies will have been committed. A salt-tax, land-tax, & stoppage of interest on the public debt are the resources spoken of for procuring from 3. to 7. millions of Dollars of preparatory expence. I think it probable that France, instead of declaring war, will worry us with decrees. A new one is proposed making neutral *armed* ships good prize. Such measures, and the bottom of our purse which we shall get to even by the expences of preparation, will still prevent serious war. Bankruptcy is a terrible foundation to begin a war on, against the conquerors of the universe. A governor, secretary & 3. judges are named for the missisipi territory. Of these, two are agents for the land companies, 2. are bankrupt speculators, & the other unknown. Your matter with Morris is well settled. With respect to your accounts mr. Dawson will inclose you the difficulties objected by the Department of State. Considering how much better items of an account can be explained vivâ voce, how much more impressive personal remonstrance is than written, we have imagined you will think it adviseable to come on yourself, and have these matters settled, or at least to narrow them down to a few articles as to which you may take measures from hence to procure vouchers from Europe if necessary. But of this you alone are the

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competent judge. Present my affectionate salutations to mrs. Monroe. Friendly adieux to yourself.

P. S. Wheat & flour not saleable at this moment. Tobacco (old) *d*13.50 & likely to rise.

TO JAMES MADISON MAD. MSS.

Apr. 19. 98.

I wrote you last on the 12th & then acknoleged your last at hand of the 2d inst. The sensations first occasioned by the late publications have been kept up and increased at this place. A petition from the merchants & traders & others was so industriously pushed as to have obtained a very extensive signature. The same measure is pursuing in New York. As the election of their governor comes on next Tuesday, these impressions will just be in time to affect that. We have no information yet of their effect to the Eastward. In the meantime petitions to Congress against arming from the towns of Massachusetts were multiplying. They will no doubt have been immediately checked. The P.'s answer to the address of the merchants here you will see in Fenno of yesterday. It is a pretty strong declaration that a neutral & pacific conduct on our part is no longer the existing state of things. The vibraters in the H. of R. have chiefly gone over to the war party. Still if our members were all here, it is believed the Naval-bill would be thrown out. Giles, Clopton, & Cabell are gone. The debate began yesterday, & tho' the question will be lost, the effect on the public mind

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will be victory. For certainly there is nothing new which may render war more palatable to the people. On the contrary the war-members themselves are becoming alarmed at the expences, & whittling down the estimates to the lowest sums. You will see by a report of the Secretary at War which I inclose you that he estimates the expences of preparation at seven millions of Dollars; which it is proposed to lower to about 3. millions. If it can be reduced to this, a stoppage of public interest will suffice & is the project of some. This idea has already knocked down the public paper, which can no longer be sold at all. If the expences should exceed 3. m. they will undertake a land tax. Indeed a land tax is the decided resource of many, perhaps of a majority. There is an idea of some of the Connecticut members to raise the whole money wanted by a tax on salt; so much do they dread a land tax. The middle or last of May is still counted on for adjournment.

Col° Innes is just arrived here, heavily laden with gout & dropsy. It is scarcely thought he can ever get home again. The principles likely to be adopted by that board have thrown the administration into deep alarm. It is admitted they will be worse than the English, French, & Algerine depredations added together. It is even suggested that, if persevered in, their proceedings will be stopped. These things are not public.—Your letter, by occasioning my recurrence to the constitution, has corrected an error under which a former one of mine had been written. I had erroneously conceived that the declaration of war was among the things confided by the Constitution

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to *two thirds* of the legislature. We are told here that you are probably elected to the state legislature. It has given great joy, as we know your presence will be felt any where, and the times do not admit of the inactivity of such talents as yours. I hope therefore it is true. As much good may be done by a proper direction of the local force. Present my friendly salutations to Mrs. Madison & to yourself affectionately adieu.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, April 26, 1798.

DEAR SIR,—* * * The bill for the naval armament (12 vessels) passed by a majority of about 4 to 3 in the H of R; all restrictions on the objects for which the vessels should be used were struck out. The bill for establishing a department of Secretary of the navy was tried yesterday, on its passage to the 3d reading, & prevailed by 47 against 41. It will be read the 3d time to-day. The Provisional army of 20,000. men will meet some difficulty. It would surely be rejected if our members were all here. Giles, Clopton, Cabell & Nicholas are gone, & Clay goes to-morrow. He received here news of the death of his wife. Parker is completely gone over to the war party. In this state of things they will carry what they please. One of the war party, in a fit of unguarded passion, declared some time ago they would pass a citizen bill, an alien bill, & a sedition bill; accordingly, some days ago, Coit laid a motion on the table of the H of R for modifying the citizen

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law. Their threats point at Gallatin, & it is believed they will endeavor to reach him by this bill. Yesterday mr. Hillhouse laid on the table of the Senate a motion for giving power to send away suspected aliens. This is understood to be meant for Volney & Collot. But it will not stop there when it gets into a course of execution. There is now only wanting, to accomplish the whole declaration before mentioned, a sedition bill, which we shall certainly soon see proposed. The object of that, is the suppression of the whig presses. Bache's has been particularly named. That paper & also Cary's totter for want of subscriptions. We should really exert ourselves to procure them, for if these papers fall, republicanism will be entirely brow beaten. Cary's paper comes out 3 times a week, @ 5 D. The meeting of the people which was called at New York, did nothing. It was found that the majority would be against the Address. They therefore chose to circulate it individually. The committee of ways & means have voted a land tax. An additional tax on salt will certainly be proposed in the House, and probably prevail to some degree. The stoppage of interest on the public debt will also, perhaps, be proposed, but not with effect. In the meantime, that paper cannot be sold. Hamilton is coming on as Senator from N. Y. There has been so much contrivance & combination in that, as to shew there is some great object in hand. Troup, the district judge of N Y, resigns towards the close of the session of their Assembly. The appointment of mr. Hobart, then Senator, to succeed Troup, is not made

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by the President till after the Assembly had risen. Otherwise, they would have chosen the Senator in place of Hobart. Jay then names Hamilton, Senator, but not till a day or two before his own election as Governor was to come on, lest the unpopularity of the nomination should be in time to affect his own election. We shall see in what all this is to end; but surely in something. The popular movement in the eastern states is checked, as we expected, and war addresses are showering in from New Jersey & the great trading towns. However, we still trust that a nearer view of war & a land tax will oblige the great mass of the people to attend. At present, the war hawks talk of septembrizing, Deportation, and the examples for quelling sedition set by the French Executive. All the firmness of the human mind is now in a state of requisition. Salutations to mrs. Madison; & to yourself, friendship & adieu.

P. M. The bill for the naval department is passed.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, May 3, 98.

I wrote you last on the 26th; since which yours of the 22d of April is received, acknoleging mine of the 12th; so that all appear to have been received to that date. The spirit kindled up in the towns is wonderful. These and N Jersey are pouring in their addresses, offering life & fortune. Even these addresses are not the worst things. For indiscreet declarations and expressions of passion may be

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pardoned to a multitude acting from the impulse of the moment. But we cannot expect a foreign nation to shew that apathy to the answers of the President, which are more thrasonic than the addresses. Whatever chance for peace might have been left us after the publication of the despatches, is compleatly lost by these answers. Nor is it France alone, but his own fellow citizens, against whom his threats are uttered. In Fenno, of yesterday, you will see one, wherein he says to the address from Newark, "the delusions & misrepresentations which have misled so many citizens, must be discountenanced by authority as well as by the citizens at large;" evidently alluding to those letters from the representatives to their constituents, which they have been in the habit of seeking after & publishing; while those sent by the Tory part of the house to their constituents, are ten times more numerous, & replete with the most atrocious falsehoods & calumnies. What new law they will propose on this subject, has not yet leaked out. The citizen bill sleeps. The alien bill, proposed by the Senate, has not yet been brought in. That proposed by the H of R has been so moderated, that it will not answer the passionate purposes of the war gentlemen. Whether, therefore, the Senate will push their bolder plan, I know not. The provisional army does not go down so smoothly in the R. as it did in the Senate. They are whittling away some of it's choice ingredients; particularly that of transferring their own constitutional discretion over the raising of armies to the President. A commtee of the R have struck out his discretion, and hang the raising of the

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men on the contingencies of invasion, insurrection, or declaration of war. Were all our members here, the bill would not pass. But it will, probably, as the House now is. It's expence is differently estimated, from 5. to 8. millions of dollars a year. Their purposes before voted, require 2. millions above all the other taxes, which, therefore, are voted to be raised on lands, houses & slaves. The provisional army will be additional to this. The threatening appearances from the Alien bills have so alarmed the French who are among us, that they are going off. A ship, chartered by themselves for this purpose, will sail within about a fortnight for France, with as many as she can carry. Among these I believe will be Volney, who has in truth been the principal object aimed at by the law. Notwithstanding the unfavorableness of the late impressions, it is believed the New York elections, which are over, will give us two or three republicans more than we now have. But it is supposed Jay is re-elected. It is said Hamilton declines coming to the Senate. He very soon stopped his Marcellus. It was rather the sequel that was feared than what actually appeared. He comes out on a different plan in his Titus Manlius, if that be really his. The appointments to the Missisipi territory were so abominable that the Senate could not swallow them. They referred them to a commte to inquire into characters, and the P withdrew the nomination & has now named Winthrop Sergeant Governor, Steele of Augusta in Virginia, Secretary, Tilton & —— two of the Judges, the other not yet named. * * * As there is nothing material now

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to be proposed, we generally expect to rise in about three weeks. However, I do not yet venture to order my horses.

My respectful salutations to mrs. Madison. To yourself affectionate friendship, & adieu.

Perhaps the Pr's expression before quoted, may look to the Sedition bill which has been spoken of, and which may be meant to put the Printing presses under the Imprimatur of the executive. Bache is thought a main object of it. Cabot, of Massachusetts, is appointed Secretary of the Navy. It is said Hamilton declines coming to the Senate.

TO JAMES LEWIS, JUNIOR J. MSS.

PHILADELPHIA, May 9, 1798.

DEAR SIR,—I am much obliged by your friendly letter of the 4th inst. As soon as I saw the first of mr. Martin's letters, I turned to the newspapers of the day, & found Logan's speech, as translated by a common Indian interpreter. The version I had used, had been made by Genl Gibson. Finding from mr. Martin's style, that his object was not merely truth, but to gratify party passions, I never read another of his letters. I determined to do my duty by searching into the truth, & publishing it to the world, whatever it should be. This I shall do at a proper season. I am much indebted to many persons, who, without any acquaintance with me, have voluntarily sent me information on the subject. Party passions are indeed high. Nobody has more reason to know it than

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myself. I receive daily bitter proofs of it from people who never saw me, nor know anything of me but through Porcupine & Fenno. At this moment all the passions are boiling over, and one who keeps himself cool and clear of the contagion, is so far below the point of ordinary conversation, that he finds himself insulated in every society. However, the fever will not last. War, land tax & stamp tax, are sedatives which must calm its ardor. They will bring on reflection, and that, with information, is all which our countrymen need, to bring themselves and their affairs to rights. They are essentially republican. They retain unadulterated the principles of '75, and those who are conscious of no change in themselves have nothing to fear in the long run. It is our duty still to endeavor to avoid war; but if it shall actually take place, no matter by whom brought on, we must defend ourselves. If our house be on fire, without inquiring whether it was fired from within or without, we must try to extinguish it. In that, I have no doubt, we shall act as one man. But if we can ward off actual war till the crisis of England is over, I shall hope we may escape it altogether.

I am, with much esteem, dear Sir, your most obedient humble servant.

TO JAMES MADISON MAD. MSS.

May 10. 98.

* * * No bill has passed since my last. The alien bill now before the Senate you will see in Bache. I shall make no comment on it. The first clause was

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debated through the whole of Tuesday. To judge from that we cannot expect above 5. or 6. votes against it. We suppose the lower house will throw it out & proceed on that which they have prepared. The bill for the provision of army is under debate. It will probably pass or be rejected by a very minute majority. If our members were here it would be rejected with ease. The tax on lands, slaves & houses is proceeding. The questions on that will only be of modification. The event of the N. York elections is not yet absolutely known, but it is still believed we have gained 2. more republicans to Congress. Burr was here a day or two ago. He says they have got a decided majority of Whigs in their state H. of R. He thinks that Connecticut has chosen one Whig, a mr. Granger, & calculates much on the effect of his election. An election here of town officers for Southwark, where it was said the people had entirely gone over to the tory side, showed them unmoved. The Whig ticket was carried by ten to one. The informations are so different as to the effect of the late dispatches on the people here that one does not know what to conclude: but I am of opinion they are little moved. Some of the young men who addressed the President on Monday mounted the Black (or English) cockade. The next day numbers of the people appeared with the tricolored (or French) cockade. Yesterday being the fast day the black cockade again appeared, on which the tricolour also showed itself. A fray ensued, the light horse were called in, & the city was so filled with confusion from about 6. to 10. o'clock last night that it was dangerous

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going out. I write in the morning & therefore know nothing of the particulars as yet, but as I do not send my letter to the post office till night, I shall probably be able by that time to add some details. It is also possible some question may be taken which may indicate the fate of the provisional army. There is a report, which comes from Baltimore, of peace between France & England on terms entirely dictated by the former. But we do not hear how it comes, nor pay the least attention to it.

P. M. By the proceedings in Senate today I conclude the alien bill will pass 17 to . The provisional army has been under debate in the lower house. A motion was made to strike out the first section confessedly for the purpose of trying the fate of the bill. The motion was lost by 44. to 17. Had all the members in town been present, & the question in the house instead of the committee, the vote would have been 45. against the bill & 46. for it. No further particulars about the riot appear. * * *

TO JAMES MADISON J. MSS.

May 17. 98

My last to you was of the 10th. Since that I have received yours of the 5th. I immediately sent a note to Carey to forward his paper to your brother as you desired. The first vote of any importance on the alien bill was taken yesterday. It was one agreeing on the 1st section, which was carried by 12. to 7. If all the Senators in town had been present it would

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have been 17. to 7. The Provisional army gets along. The Rep. have reduced the 28. to 10. M. They have struck out the clauses for calling out & exercising 20,000 militia at a time. The 1st Volunteer clause has been carried by a great majority. But endeavours will be made to render it less destructive & less injurious to the militia. I shall enclose you a copy of the land-tax bill. In the first moments of the tumult here, mentioned in my last, the cockade assumed by one party was mistaken to be the tricolor. It was the old blue & red adopted in some places in an early part of the revolution war. However it is laid aside. But the black is still frequent. I am a little apprehensive Burr will have miscalculated on Granger's election in Connecticut. However it is not yet known here. It was expected Hillhouse would have been elected their Lt. Govr. but Treadwell is chosen. We know nothing more certain yet of the New York elections. Hamilton declined his appointment as Senator, & Jay has named North, a quondam aid of Steuben. All sorts of artifices have been descended to, to agitate the popular mind. The President received 3. anonymous letters (written probably by some of the war men) announcing plots to burn the city on the fast-day. He thought them worth being known, & great preparations were proposed by the way of caution, & some were yielded to by the governor. Many weak people packed their most valuable movables to be ready for transportation. However the day passed without justifying the alarms. Other idle stories have been since circulated, & the popular

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mind has not been proof against them. The addresses & answers go on. Some parts of Maryland & of this state are following the example of N. Jersey. The addresses are probably written here; those which come purely from the country are merely against the French, those written here are pointed with acrimony to party. You will observe one answer in which a most unjustifiable mention has been made of Monroe, without the least occasion leading to it from the address. It is now openly avowed by some of the eastern men that Congress ought not to separate. And their reasons are drawn from circumstances which will exist through the year. I was in hopes that all efforts to render the sessions of Congress permanent were abandoned. But a clear profit of 3. or 4. Dollars a day is sufficient to reconcile some to their absence from home. A French privateer has lately taken 3. American vessels from York & Phila. bound to England. We do not know their loading, but it has alarmed the merchants much. Wheat & flour are scarcely bought at all. Tobacco, old, of the best quality, has long been 14. D. My respects to Mrs. Madison & to the family. Affectionate adieus to yourself.

TO AARON BURR J. MSS.

PHILADELPHIA, May 20. 98.

DEAR SIR,—When I had the pleasure of seeing you here, I spoke to you on the case of a friend of mine, Dr. James Currie, of Richmond, and asked the favor of you to proceed, in the way then spoken of, to

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recover against Robert Morris, Dr. Currie's demand, the papers establishing which you had received. I have just received a letter from him wishing this matter to be pressed. I take the liberty therefore of repeating my request, & that you will be so good as to send to mr. John Barnes, merchant south 3d street, who is my agent here a note of your own fee & of any costs which it may be necessary to advance & he will answer them now & from time to time on my account, whether I am here or not. I have not heard from mr. Burwell: but I know it to be his wish to have the same proceedings as shall be pursued for Dr. Currie. Mr. Barnes is his agent for his money matters at this place, so that his costs you will be so good as to note separately to him. His name is Lewis Burwell. He is also of Richmond.

This being merely a letter of business I shall only add assurances of the esteem & respect with which I am dear sir your most obedient & most humble servant.[1]

[1] Other letters to Burr on this subject are as follows:

PHILADELPHIA May 26th. 98.

DEAR SIR,—I received yesterday your favor of the 24th. The other notes delivered by Mr. Burwell to Mr. Ludlow belonged three of them to Dr Currie, & the rest to himself. To wit

Dr. Currie's					Doll.	
John Nicholson's note to	Rob. Morris		dated	Nov. 18. 94	for 3500	payable in 3 years
do	to	do		Nov. 18. 94	3500	do
do	to	do		Nov. 18. 94	4000	do
					11.000	
Mr. Burwell's						
John Nicholson's note to	Rob. Morris		dated	Nov. 20. 94	for 4000	payable in 3 years
do	to	do		Nov. 20. 94	4000	do
do	to	do		Jan. 15. 95	2500	do
do	to	do		Mar. 1. 95	4000	do
					14.500	

This last one of Mr. Burwell's was not delivered to mr. Ludlow, but will be handed to him by mr. Barnes by this day's post. You will

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TO JAMES MONROE J. MSS.

PHILADELPHIA, May 21, 1798.

Yours of Apr 8 14, & May 4 & 14, have been received in due time. I have not written to you since the 19th ult., because I knew you would be out

therefore be pleased to proceed in the name of Dr. James Currie for the three first notes, amounting to 11,000 Dollars. You mention that discretionary powers must be given to some person in N. York in order that you may be able to associate these gentlemen in a general compromise with some others for whom you will obtain judgment in July. Dr. Currie has given me full powers to act for him, & I hereby give you full & discretionary powers to do for him whatever you may think for his interest. I enclose you one of his letters to me sufficiently evidencing his committing the matter to me. Mr. Barnes is authorized by mr. Burwell to take the same steps for him which I do for Dr. Currie. He will therefore write to you this day. Dr. Currie has another claim by judgment recovered here against Griffin & Morris which may be the subject of a future letter to you. Perhaps, after I shall have seen Mr. Ingersoll his attorney (now absent from town).

If Congress mean to adjourn at all (which I doubt) I shall stay here till they adjourn. If they do not, after passing the land tax, I shall consider it as evidence they mean to make their sessions permanent, & shall then go home for the season. I am with great & sincere esteem, Dear Sir, your friend & servant.

PHILADELPHIA, June 16. 98.

DEAR SIR,—In my letter of May 26. I mentioned to you that Dr. Currie had another demand by judgment against John Tayloe Griffin as principal, & Robert Morris garnishee, which should be the subject of a future letter to you. I now enclose you a transcript by the record of the Supreme Court of this state. It seems by this (I have not examined the record with minute attention) that the court have considered Robert Morris as holding property of Griffin's to the amount of £4305 Pensva currency = 11480 Dolls not due, as stated on interrogatory, till Dec. 3. 1800. But that interest at 5 per cent must have been payable annually, as he confesses judgment for £959-8-8 interest on that sum to Dec. 3, 95. which was paid to mr. Ingersoll, & a scire facias issued for the interest of the year 1796 being £215-5 has been issued since. On this last, nothing has been done, as no effects here can be got at. This interest therefore for the year 1796. & now also for the year 1797, is due & immediately recoverable as to the principal. I know not how the laws may be with you: but in Virginia, where we have courts of Chancery on the principles of that of England, tho' in a

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on a circuit, and would receive the letters only when they would be as old almanacs. The bill for the Provisional army has got through the lower house, the regulars reduced to 10,000, and the volunteers unlimited. It was carried by a majority of 11. The

court of law the principal could not be demanded before due, yet the Chancery, in consideration of the hazard in which it is placed by the change of circumstances of Rob. Morris would either oblige him to give security or sequester any property of his which the plaintiff would point out. If it be so with you, then we may hope that the principal may be secured so as to be received in 1800, & the interest for 96. & 97. immediately recovered. I will pray you however to have done for Dr. Currie both as to principal & interest whatever your laws will authorize for the best. I enclose you a letter from him referring you to me, & I hereby give you as full powers to act herein as he has given to me. I leave this place in the morning of the 20th. & would thank you to be informed what prospect you think there is of these several matters. If I am gone, the letter will follow & find me at home. I am with great esteem dear sir your friend & servant.

MONTICELLO, NOV. 12. 1798.

DEAR SIR,—Dr. Currie, on whose behalf I troubled you last summer, being anxious to learn something of the prospect he may have of recovering from Robert Morris, I take the liberty of asking a line directed to me at this place where I shall still be long enough to receive it. I should not have troubled you but that you expected early in the summer to be able to judge what could be done. I am aware at the same time that the fever at New York may have disturbed all legal proceedings.

I did not mean to say a word on politics, but it occurs that I have seen in the New York papers a calumny which I suppose will run through the union, that I had written by Doctr. Logan letters to Merlin & Taleyrand. On retiring from the Secretary of state's office, I determined to drop all correspondence with France, knowing the base calumnies which would be built on the most innocent correspondence. I have not therefore written a single letter to that country, within that period except to Mr. Short on his own affairs merely which are under my direction, and once or twice to Colo. Monroe. By Logan I did not write even a letter to Mr. Short, nor to any other person whatever. I thought this notice of the matter due to my friends, though I do not go into the newspapers with a formal declaration of it. I am &c.

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land-tax is now on the carpet to raise 2. millions of dollars; yet I think they must at least double it, as the expenses of the provisional army were not provided for in it, and will require of itself 4. millions a year. I presume, therefore, the tax on lands, houses, & negroes, will be a dollar a head on the population of each state. There are alien bills, sedition bills, &c., also before both houses. The severity of their aspect determines a great number of French to go off. A ship-load sails on Monday next; among them Volney. If no new business is brought on, I think they may get through the tax bill in 3 weeks. You will have seen, among numerous addresses & answers, one from Lancaster in this State, and it's answer. The latter travelling out of the topics of the address altogether, to mention you in a most injurious manner. Your feelings have no doubt been much irritated by it, as in truth it had all the characters necessary to produce irritation. What notice you should take of it is difficult to say. But there is one step in which two or three with whom I have spoken concur with me, that feeble as the hand is from which this shaft is thrown, yet with a great mass of our citizens, strangers to the leading traits of the character from which it came, it will have considerable effect; & that in order to replace yourself on the high ground you are entitled to, it is absolutely necessary you should reappear on the public theatre, and take an independent stand, from which you can be seen & known to your fellow citizens. The He of Repr appears the only place which can answer this end, as the proceedings of the other house are

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too obscure. Cabell has said he would give way to you, whenever you should chuse to come in, and I really think it would be expedient for yourself as well as the public, that you should not wait until another election, but come to the next session. No interval should be admitted between this last attack of enmity and your re-appearance with the approving voice of your constituents, & your taking a commanding attitude. I have not before been anxious for your return to public life, lest it should interfere with a proper pursuit of your private interests, but the next session will not at all interfere with your courts, because it must end Mar 4, and I verily believe the next election will give us such a majority in the He of R as to enable the republican party to shorten the alternate unlimited session, as it is evident that to shorten the sessions is to lessen the evils & burthens of the government on our country. The present session has already cost 200,000 D, besides the wounds it has inflicted on the prosperity of the Union. I have no doubt Cabell can be induced to retire immediately, & that a writ may be issued at once. The very idea of this will strike the public mind, & raise its confidence in you. If this be done, I should think it best you should take no notice at all of the answer to Lancaster. Because, were you to shew a personal hostility against the answer, it would deaden the effect of everything you should say or do in your public place hereafter. All would be ascribed to an enmity to Mr. A., and you know with what facility such insinuations enter the minds of men. I have not seen Dawson since this answer

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has appeared, & therefore have not yet learnt his sentiments on it. My respectful salutations to Mrs. Monroe; & to yourself, affectionately adieu.

P. S. Always examine the seal before you open my letters.[1]

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, May 31, 98.

I wrote to you last on the 24th, since which yours of the 20th is received. I must begin by correcting two errors in my last. It was false arithmetic to say, that two measures therein mentioned to be carried by majorities of 11., would have failed if the 14. absentees (wherein a majority of 6 was ours) had been present. Six coming over from the other side would have turned the scale, and this was the idea floating in my mind, which produced the mistake. The 2d error was in the version of mr. A's expression, which I stated to you. His real expression was "that he would not unbrace a single nerve for any treaty France could offer; such was their entire want of faith, morality," &c.

The bill from the Senate for capturing French armed vessels found hovering on our coast was passed in two days by the lower house, without a single alteration; and the *Ganges*, a 20-gun sloop, fell down the river instantly to go on a cruise. She has since been ordered to New York, to convoy a vessel from that to this port. The Alien bill will be ready to day, probably, for it's 3d reading in the

[1] On outside of letter.

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Senate. It has been considerably mollified, particularly by a proviso saving the rights of treaties. Still, it is a most detestable thing. I was glad, in yesterday's discussion, to hear it admitted on all hands, that laws of the U S, subsequent to a treaty, controul it's operation, and that the legislature is the only power which can controul a treaty. Both points are sound beyond doubt. This bill will unquestionably pass the He of R, the majority there being decisive, consolidated, and bold enough to do anything. I have no doubt from the hints dropped, they will pass a bill to declare the French treaty void. I question if they will think a declaration of war prudent, as it might alarm, and all it's effects are answered by the act authorizing captures. A bill is brought in for suspending all communication with the dominions of France, which will no doubt pass. It is suspected they mean to borrow money of individuals in London, on the credit of our land tax, & perhaps the guarantee of Gt Britain. The land tax was yesterday debated, and a majority of 6. struck out the 13th. section of the classification of houses, and taxing them by a different scale from the lands. Instead of this, is to be proposed a valuation of the houses & lands together. Macon yesterday laid a motion on the table for adjourning on the 14th. Some think they do not mean to adjourn; others, that they wait first the return of the envoys, for whom it is now avowed the brig *Sophia* was sent. It is expected she would bring them off about the middle of this month. They may, therefore, be expected here about the 2d week of July.

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Whatever be their decision as to adjournment, I think it probable my next letter will convey orders for my horses, and that I shall leave this place from the 20th to the 25th of June; for I have no expectation they will actually adjourn sooner. Volney & a ship-load of others sail on Sunday next. Another ship-load will go off in about 3 weeks. It is natural to expect they go under irritations calculated to fan the flame. Not so Volney. He is most thoroughly impressed with the importance of preventing war, whether considered with reference to the interests of the two countries, of the cause of republicanism, or of man on the broad scale. But an eagerness to render this prevention impossible, leaves me without any hope. Some of those who have insisted that it was long since war on the part of France, are candid enough to admit that it is now begun on our part also. I enclose for your perusal a poem on the alien bill, written by mr. Marshall. I do this, as well for your amusement, as to get you to take care of this copy for me till I return; for it will be lost by lending, if I retain it here, as the publication was suppressed after the sale of a few copies, of which I was fortunate enough to get one. Your locks, hinges, &c., shall be immediately attended to.

My respectful salutations & friendship to mrs. Madison, to the family, & to yourself. Adieu.

P. S. The President, it is said, has refused an Exequatur to the Consul General of France, Dupont.

P. P. S. This fact is true. I have it this moment from Dupont, and he goes off with Volney to France in two or three days.

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TO JOHN TAYLOR[1] ED. OF 1829.

PHILADELPHIA, June 1, 1798.

* * * Mr. New showed me your letter on the subject of the patent, which gave me an opportunity of observing what you said as to the effect, with you, of public proceedings, and that it was not unwise now to estimate the separate mass of Virginia and North Carolina, with a view to their separate existence. It is true that we are completely under the saddle of Massachusetts and Connecticut, and that they ride us very hard, cruelly insulting our feelings, as well as exhausting our strength and subsistence. Their natural friends, the three other eastern States, join them from a sort of family pride, and they have the art to divide certain other parts of the Union, so as to make use of them to govern the whole. This is not new, it is the old practice of despots; to use a part of the people to keep the rest in order. And those who have once got an ascendancy, and possessed themselves of all the resources of the nation, their revenues and offices, have immense means for retaining their advantage. But our present situa-

[1] Since this letter to Taylor was printed, Prof. W. P. Trent has called my attention to a note by George Tucker, in the *Southern Literary Messenger* for May, 1838 (iv. 344), in which the expression imputed to Taylor that "it is not *unwise* now to estimate the separate mass of Virginia and North Carolina" is stated to have been an error due to the fading of the letter-press copy, the true reading being "it is not *usual* now." This correction was made at the suggestion of a descendant of Taylor's, and no proof is produced beyond the mere assertion of Mr. Tucker. What is more, the letter-press copy was one of those destroyed before the Jefferson papers were purchased by the government, so it is now impossible to verify the facts. The correction, however, is so material, that it seems necessary to note the assertion.

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tion is not a natural one. The republicans, through every part of the Union, say, that it was the irresistible influence and popularity of General Washington played off by the cunning of Hamilton, which turned the government over to anti-republican hands, or turned the republicans chosen by the people into anti-republicans. He delivered it over to his successor in this state, and very untoward events since, improved with great artifice, have produced on the public mind the impressions we see. But still I repeat it, this is not the natural state. Time alone would bring round an order of things more correspondent to the sentiments of our constituents. But are there no events impending, which will do it within a few months? The crisis with England, the public and authentic avowal of sentiments hostile to the leading principles of our Constitution, the prospect of a war, in which we shall stand alone, land tax, stamp tax, increase of public debt, &c. Be this as it may, in every free and deliberating society, there must, from the nature of man, be opposite parties, and violent dissensions and discords; and one of these, for the most part, must prevail over the other for a longer or shorter time. Perhaps this party division is necessary to induce each to watch and delate to the people the proceedings of the other. But if on a temporary superiority of the one party, the other is to resort to a scission of the Union, no federal government can ever exist. If to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there? Suppose the New

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England States alone cut off, will our nature be changed? Are we not men still to the south of that, and with all the passions of men? Immediately, we shall see a Pennsylvania and a Virginia party arise in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game too will the one party have in their hands, by eternally threatening the other that unless they do so and so, they will join their northern neighbors. If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple units. Seeing, therefore, that an association of men who will not quarrel with one another is a thing which never yet existed, from the greatest confederacy of nations down to a town meeting or a vestry; seeing that we must have somebody to quarrel with, I had rather keep our New England associates for that purpose, than to see our bickerings transferred to others. They are circumscribed within such narrow limits, and their population so full, that their numbers will ever be the minority, and they are marked, like the Jews, with such a perversity of character, as to constitute, from that circumstance, the natural division of our parties. A little patience, and we shall see the reign of witches pass over, their spells dissolved, and the people recovering their true sight, restoring their government to its true principles. It is true, that in the meantime, we are suffering deeply in spirit, and incurring the horrors of a war, and long oppressions of enor-

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mous public debt. But who can say what would be the evils of a scission, and when and where they would end? Better keep together as we are, haul off from Europe as soon as we can, and from all attachments to any portions of it; and if they show their power just sufficiently to hoop us together, it will be the happiest situation in which we can exist. If the game runs sometimes against us at home, we must have patience till luck turns, and then we shall have an opportunity of winning back the *principles* we have lost. For this is a game where principles are the stake. Better luck, therefore, to us all, and health, happiness and friendly salutations to yourself. Adieu.

P. S. It is hardly necessary to caution you to let nothing of mine get before the public; a single sentence got hold of by the Porcupines, will suffice to abuse and persecute me in their papers for months.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA June 7. 98.

I wrote you last on the 31st since which yours of the 27th of May is received. The alien bill when we had nearly got through it, on the 2d reading (on a report from the committee of the whole) was referred to a special committee. by a vote of it's friends (12) against 11. who thought it could be rejected on the question for the 3d reading. It is reported again very much softened, and if the proviso can be added to it, saving treaties, it will be less objectionable than

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I thought it possible to have obtained. Still it would place aliens not protected by treaties [*illegible*] absolute government. They have brought into the lower house a sedition bill, which among other enormities, undertakes to make printing certain matters criminal, tho' one of the amendments to the Constitution has so expressly taken religion, printing presses &c. out of their coercion. Indeed this bill & the alien bill both are so palpably in the teeth of the Constitution as to shew they mean to pay no respect to it. The citizen bill passed by the lower house sleeps in a Committee of the Senate. In the mean time Callendar, a principal object of it, has eluded it, by getting himself made a citizen. Volney is gone. So is Dupont, the rejected consul. The bill suspending intercourse with the French dominions will pass the Senate today with a small amendment. The real object of this bill is to evade the counter-irritations of the English who under the late orders for taking all vessels from French ports, are now taking as many of our vessels as the French. By forbidding our vessels to go to or from French ports we remove the pabulum for these violations of our rights by the English, undertaking to do the work for them ourselves in another way. The tax on lands, houses, & slaves is still before the H. of R. They have determined to have the houses & lands valued separately though to pay the same tax ad valorem, but they avow that when they shall have got at the number & value of houses, they shall be free hereafter to tax houses separately, as by an indirect tax. This is to avoid the quotaing of which

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they cannot bear the idea. Requeries under a quotaing law can only shift the burthen from one part to another of the same state; but relieve them from the bridle of the quota & all requeries go to the relief of the states. So odious is the quota to the N. E. members that many think they will not pass the bill at all. The question of adjournment was lost by two votes. Had our members been here it would have been carried & much mischief prevented. I think now they will make their session permanent. I have therefore in my letters of today ordered my horses to be at Fredsbg on the 24. & shall probably be with you on the 25th or 26th. I send you further communications from our envoys. To these I believe I may add on good grounds that Pinckney is gone with his family into the south of France for the health of his daughter, Marshal to Amsterdam (but whether coming here for instructions or not is a secret not entrusted to us) & Gerry remains at Paris. It is rumored & I believe with probability that there is a schism between Gerry & his colleagues. Perhaps the directory may make a treaty with Gerry, if they can get through it before the brig *Sophia* takes him off. She sailed the 1st of April. It is evident from these communications that our envoys had not the least idea of a war between the two countries; much less that their dispatches are the cause of it. I mentioned to you in my last that I expected they would bring in a bill to declare the treaty with France void. Dwight Foster yesterday brought in resolutions for that purpose, & for authorizing general reprisals on the French armed vessels: & such is

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their preponderance by the number & talents of our absentees withdrawing from us that they will carry it. Never was any event so important to this country since it's revolution, as the issue of the invasion of England. With that we shall stand or fall. Colo. Jones's situation is desperate. Every day is now expected to be his last. The petition for the reform of the British parliament enclosed in your last shall be disposed of as you desire. And the first vessel for Fredericksburg will carry your locks, hinges, pulleys & glass. My respectful salutations to Mrs. Madison & the family. Friendship & adieus to yourself.

TO ARCHIBALD STUART [1]

PHILADELPHIA. June 8. 98.

DEAR SIR,—I inclose you some further communications from our envoys at Paris. To the information contained in these I can add that by the latest accounts Mr. Pinckney was gone into the south of France for the health of his family, Mr. Marshall to Amsterdam, and Mr. Gerry remained at Paris. It appears that neither themselves nor the French government dreamt of war between the two countries. It seems also fairly presumable that the douceur of 50,000 Guineas mentioned in the former dispatches was merely from X. and Y. as not a word is ever said by Taleyrand to our envoys, nor by them to him on the subject. It is now thought possible that Gerry

[1] From the original in the possession of the Virginia Historical Society.

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may be pursuing the treaty for he was always viewed with more favor by the French government than his collegues whom they considered as personally hostile to them. It seems they offered to pay in time for unjustifiable spoliations, and insist on a present loan (and it would be much more than an equivalent). There seems nothing to prevent a conclusion, unless indeed the bring *Sophia* should arrive too soon & bring him away. She sailed from hence the 1st of April with positive orders to the envoys to come away. In the meantime, besides accumulating irritations we are proceeding to actual hostilities. You will have seen in the papers the bills already passed, and the measures now proposed. Every thing will be carried which is proposed. Nobody denies but that France has given just cause of war, but so has Gr. Britain & she is now capturing our vessels as much as France, but the question was one merely of prudence, whether seeing that both powers in order to injure one another, bear down every thing in their way, without regard to the rights of others, spoliating equally Danes, Swedes & Americans, it would not be more prudent in us to bear with it as the Danes & Swedes do, curtailing our commerce, and waiting for the moment of peace, when it is probable both nations would for their own interest & honour retribute for their wrongs. However the public mind has been artfully inflamed by publications well calculated to deceive them & them only and especially in the towns, and irritations have been multiplied so as to shut the door of accomodation, and war is now inevitable. I imagine that France will do

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little with us till she has made her peace with England, which, whether her invasion succeeds or fails, must be made this summer and autumn. The game on both sides is too heavy to be continued. When she shall turn her arms on us, I imagine it will be chiefly against our commerce and fisheries. If any thing is attempted by land it will probably be to the westward. Our great expence will be in equipping a navy to be lost as fast as equipped, or to be maintained at an expence which will sink us with itself, as the like course is sinking Great Britain. Of the two millions of Dollars now to be raised by a tax on lands, houses & slaves, Virginia is to furnish between 3 & 400,000 but this is not more than half of the actual expence if the provisional army be raised, nor one tenth of what must be the annual expences. I see no way in which we can injure France so as to advance to negociation (as we must do in the end) on better ground than at present and I believe it will thus appear to our citizens generally as soon as the present fervor cools down and there will be many sedatives to effect this. For the present however, nothing can be done. Silence and patience are necessary for a while; and I must pray you, as to what I now write, to take care it does not get out of your own hand, nor a breath of it in a newspaper. I wrote to Mr. Clarke some time ago mentioning that I had been here for six months advancing for all the nail rods for my nailery without the possibility of receiving any thing from it till my return. That this will render it necessary to receive immediately on my return whatever sums my cus-

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tomers may have in hand for me. I yesterday received a letter from him informing me he had left Staunton, & with our approbation had turned over my matters to a Mr. John McDowell. As I am not acquainted with him, nor as yet in correspondence with him, will you be so good as to mention to him that I shall have great need of whatever sum he may have on hand for me, as soon as I return, and should be very glad if he could lodge it with Col° Bell by our July court, at which I shall be, or if no conveyance occurs he can send me a line by post to Charlottesville informing me what sum I can count on. His future orders for nails I shall be able to attend to in person. I leave this for Monticello on the 20th inst. The adjournment of Congress is not yet fixed.

TO JAMES MADISON MAD. MSS.

PHILADELPHIA, June 21, 98.

Yours of the 10th inst is received. I expected mine of the 14th would have been my last from hence, as I had proposed to have set out on the 20th; but on the morning of the 19th, we heard of the arrival of Marshall at New York and I concluded to stay & see whether that circumstance would produce any new projects. No doubt he there received more than hints from Hamilton as to the tone required to be assumed. Yet I apprehend he is not hot enough for his friends. Livingston came with him from New York. M told him they had no idea in France of a war with us. That Taleyrand sent passports to

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him & Pinckney, but none for Gerry. Upon this, Gerry staid, without explaining to them the reason. He wrote, however, to the President by Marshall, who knew nothing of the contents of the letter. So that there must have been a previous understanding between Taleyrand & Gerry. M was received here with the utmost eclat. The Secretary of state & many carriages, with all the city cavalry, went to Frankfort to meet him, and on his arrival here in the evening, the bells rung till late in the night, & immense crowds were collected to see & make part of the shew, which was circuitously paraded through the streets before he was set down at the city tavern. All this was to secure him to their views, that he might say nothing which would expose the game they have been playing. Since his arrival I can hear of nothing directly from him, while they are disseminating through the town things, as from him, diametrically opposite to what he said to Livingston. Dr Logan, about a fortnight ago, sailed for Hamburg. Tho for a twelvemonth past he had been intending to go to Europe as soon as he could get money enough to carry him there, yet when he had accomplished this, and fixed a time for going, he very unwisely made a mystery of it: so that his disappearance without notice excited conversation. This was seized by the war hawks, and given out as a secret mission from the Jacobins here to solicit an army from France, instruct them as to their landing, &c. This extravagance produced a real panic among the citizens; & happening just when Bache published Taleyrand's letter, Harper, on the 18th, gravely an-

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nounced to the He of R, that there existed a traitorous correspondence between the Jacobins here and the French Directory; that he had got hold of some threads & clues of it, and would soon be able to develop the whole. This increased the alarm; their libelists immediately set to work, directly & indirectly to implicate whom they pleased. Porcupine gave me a principal share in it, as I am told, for I never read his papers. This state of things added to my reasons for not departing at the time I intended. These follies seem to have died away in some degree already. Perhaps I may renew my purpose by the 25th. Their system is, professedly, to keep up an alarm. Tracy, at the meeting of the joint committee for adjournment, declared it necessary for Congress to stay together to keep up the inflammation of the public mind; and Otis expressed a similar sentiment since. However, they will adjourn. The opposers of adjournment in Senate, yesterday agreed to adjourn on the 10th of July. But I think the 1st of July will be carried. That is one of the objects which detains myself, as well as one or two more of the Senate, who had got leave of absence. I imagine it will be decided to-morrow or next day. To separate Congress now, will be withdrawing the fire from under a boiling pot.

Your commissions here are all in readiness, but no vessel for Fredericksburg has yet occurred.

My respectful salutations to mrs. Madison, & the family, & cordial friendship to yourself.

P. M. A message to both houses this day from the Prt, with the following communications.

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"Mar 23. Pickering's letter to the envoys, directing them, if they are not actually engaged in negociation with authorized persons, or not conducted bona fide, & not merely for procrastination, to break up & come home, and at any rate to consent to no loan.

"Apr 3. Talleyrand to Gerry. He supposes the other two gentlemen, perceiving that their known principles are an obstacle to negociation, will leave the republic, and proposing to renew the negociations with Gerry immediately.

"Apr 4. Gerry to Talleyrand. Disclaims a power to conclude anything separately, can only confer informally & as an unaccredited individual, reserving to lay everything before the government of the U S for approbation.

"Apr 14. Gerry to the President. He communicates the preceding, and hopes the President will send other persons instead of his collegues & himself, if it shall appear that anything can be done."

The President's message says, that as the instructions were not to consent to any loan, he considers the negociation as at an end, and that he will never send another minister to France, until he shall be assured that he will be received and treated with the respect due to a great, powerful, free & independent nation.

A bill is brought into the Senate this day, to declare the treaties with France void, prefaced by a list of grievances in the style of a manifesto. It passed to the 2d. reading by 14 to 5.

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A bill for punishing forgeries of bank paper, passed to the 3d. reading by 14 to 6. Three of the 14. (Laurence, Bingham & Read) bank directors.

TO SAMUEL SMITH J. MSS.

MONTICELLO, Aug. 22, 98.

DEAR SIR,—Your favor of Aug 4 came to hand by our last post, together with the "extract of a letter from a gentleman of Philadelphia, dated July 10," cut from a newspaper stating some facts which respect me. I shall notice these facts. The writer says that "the day after the last despatches were communicated to Congress, Bache, Leib, &c., and a Dr. Reynolds were *closeted* with me." If the receipt of visits in my public room, the door continuing free to every one who should call at the same time, may be called *closeting*, then it is true that I was *closeted* with every person who visited me; in no other sense is it true as to any person. I sometimes received visits from Mr. Bache & Dr. Leib. I received them always with pleasure, because they are men of abilities, and of principles the most friendly to liberty & our present form of government. Mr. Bache has another claim on my respect, as being the grandson of Dr. Franklin, the greatest man & ornament of the age and country in which he lived. Whether I was visited by Mr. Bache or Dr. Leib the day after the communication referred to, I do not remember. I know that all my motions at Philadelphia, here, and everywhere, are watched &

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recorded. Some of these spies, therefore, may remember better than I do, the dates of these visits. If they say these two gentlemen visited me on the day after the communications, as their trade proves their accuracy, I shall not contradict them, tho' I affirm that I do not recollect it. However, as to Dr. Reynolds I can be more particular, because I never saw him but once, which was on an introductory visit he was so kind as to pay me. This, I well remember, was before the communication alluded to, & that during the short conversation I had with him, not one word was said on the subject of any of the communications. Not that I should not have spoken freely on their subject to Dr. Reynolds, as I should also have done to the letter writer, or to any other person who should have introduced the subject. I know my own principles to be pure, & therefore am not ashamed of them. On the contrary, I wish them known, & therefore willingly express them to every one. They are the same I have acted on from the year 1775 to this day, and are the same, I am sure, with those of the great body of the American people. I only wish the real principles of those who censure mine were also known. But warring against those of the people, the delusion of the people is necessary to the dominant party. I see the extent to which that delusion has been already carried, and I see there is no length to which it may not be pushed by a party in possession of the revenues & the legal authorities of the U S, for a short time indeed, but yet long enough to admit much particular mischief. There is no event, therefore, however atrocious,

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which may not be expected. I have contemplated every event which the Maratists of the day can perpetrate, and am prepared to meet every one in such a way, as shall not be derogatory either to the public liberty or my own personal honor. The letter writer says, I am "for peace; but it is only with France." He has told half the truth. He would have told the whole, if he had added England. I am for peace with both countries. I know that both of them have given, & are daily giving, sufficient cause of war; that in defiance of the laws of nations, they are every day trampling on the rights of all the neutral powers, whenever they can thereby do the least injury, either to the other. But, as I view a peace between France & England the ensuing winter to be certain, I have thought it would have been better for us to continue to bear from France through the present summer, what we have been bearing both from her & England these four years, and still continue to bear from England, and to have required indemnification in the hour of peace, when I verily believe it would have been yielded by both. This seems to be the plan of the other neutral nations; and whether this, or the commencing war on one of them, as we have done, would have been wisest, time & events must decide. But I am quite at a loss on what ground the letter writer can question the opinion, that France had no intention of making war on us, & was willing to treat with Mr. Gerry, when we have this from Taleyrand's letter, and from the written and verbal information of our envoys. It is true then, that, as with England, we might of right

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have chosen either peace or war, & have chosen peace, and prudently in my opinion, so with France, we might also of right have chosen either peace or war, & we have chosen war. Whether the choice may be a popular one in the other States, I know not. Here it certainly is not; & I have no doubt the whole American people will rally ere long to the same sentiment, & rejudge those who, at present, think they have all judgment in their own hands.

These observations will show you, how far the imputations in the paragraph sent me approach the truth. Yet they are not intended for a newspaper. At a very early period of my life, I determined never to put a sentence into any newspaper. I have religiously adhered to the resolution through my life, and have great reason to be contented with it. Were I to undertake to answer the calumnies of the newspapers, it would be more than all my own time, & that of 20. aids could effect. For while I should be answering one, twenty new ones would be invented. I have thought it better to trust to the justice of my countrymen, that they would judge me by what they *see* of my conduct on the stage where they have placed me, & what they knew of me *before* the epoch since which a particular party has supposed it might answer some view of theirs to vilify me in the public eye. Some, I know, will not reflect how apocryphal is the testimony of enemies so palpably betraying the views with which they give it. But this is an injury to which duty requires every one to submit whom the public think proper to call into it's councils. I thank you, my dear Sir, for the interest you

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have taken for me on this occasion. Though I have made up my mind not to suffer calumny to disturb my tranquillity, yet I retain all my sensibilities for the approbation of the good & just. That is, indeed, the chief consolation for the hatred of so many, who, without the least personal knowledge, & on the sacred evidence of Porcupine & Fenno alone, cover me with their implacable hatred. The only return I will ever make them, will be to do them all the good I can, in spite of their teeth.

I have the pleasure to inform you that all your friends in this quarter are well, and to assure you of the sentiments of sincere esteem & respect with which I am, dear Sir, your friend and servant.

TO ARCHIBALD HAMILTON ROWAN J. MSS.

MONTICELLO, Sep. 26, 98.

SIR,—To avoid the suspicions & curiosity of the post office, which would have been excited by seeing your name and mine on the back of a letter, I have delayed acknoleging the receipt of your favor of July last, till an occasion to write to an inhabitant of Wilmington gives me an opportunity of putting my letter under cover to him. The system of alarm & jealousy which has been so powerfully played off in England, has been mimicked here, not entirely without success. The most long-sighted politician could not, seven years ago, have imagined that the people of this wide-extended country could have been enveloped in such delusion, and made so much afraid of themselves and their own power, as to surrender it

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spontaneously to those who are manœuvring them into a form of government, the principal branches of which may be beyond their control. The commerce of England, however, has spread its roots over the whole face of our country. This is a real source of all the obliquities of the public mind; and I should have had doubts of the ultimate term they might attain; but happily, the game, to be worth the playing of those engaged in it, must flush them with money. The authorized expenses of this year are beyond those of any year in the late war for independence, & they are of a nature to beget great & constant expenses. The purse of the people is the real seat of sensibility. It is to be drawn upon largely, and they will then listen to truths which could not excite them through any other organ. In this State, however, the delusion has not prevailed. They are sufficiently on their guard to have justified the assurance, that should you chuse it for your asylum, the laws of the land, administered by upright judges, would protect you from any exercise of power unauthorized by the Constitution of the United States. The Habeas corpus secures every man here, alien or citizen, against everything which is not law, whatever shape it may assume. Should this, or any other circumstance, draw your footsteps this way, I shall be happy to be among those who may have an opportunity of testifying, by every attention in our power, the sentiments of esteem & respect which the circumstances of your history have inspired, and which are peculiarly felt by, Sir, your most obedient, and most humble servant.

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TO WILSON CARY NICHOLAS[1] J. MSS.

MONTICELLO Oct. 5. 98.

DR. SIR,—I entirely approve of the confidence you have reposed in mr Brackenridge, as he possesses mine entirely. I had imagined it better those resolutions should have originated with N. Carolina. But perhaps the late changes in their representation may indicate some doubt whether they could have passed. In that case it is better they should come from Kentucky. I understand you intend soon to go as far as mr Madison's. You know of course I have no secrets from him. I wish him therefore to be consulted as to these resolutions. The post boy waiting at the door obliges me to finish here with assurances of the esteem of Dr Sir your friend & servt.

TO STEPHENS THOMPSON MASON J. MSS.

MONTICELLO, Oct 11, 98.

DEAR SIR,—I received lately a letter from mr. Callendar to which the inclosed is an answer. After perusing it, be so good to stick a wafer in it and (after it is dry) deliver it. You will perceive that I propose to you the trouble of drawing for 50. D. for mr. Callendar on my correspondent in Richmond, George Jefferson, merchant. This is to keep his name out of sight. Make your draught if you please in some such form as this 'Pay to.....or order, (or 'Send me in bank bills by post) 50. Dollars on

[1] "See his letter of Oct. 4. 98. to which this is an answer. Copy of a letter time not permitting a press copy this was immediately written from recollection & is nearly verbal."—*T. J.*

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account of Thomas Jefferson according to advice received from him &c.' I shall immediately direct him to pay such a draught from you, without mentioning to him the purpose. I have to thank you for your favor of July 6. from Philadelphia. I did not immediately acknolege it, because I knew you would be come away. The X. Y. Z. fever has considerably abated through the country, as I am informed, and the alien & sedition laws are working hard. I fancy that some of the State legislatures will take strong ground on this occasion. For my own part, I consider those laws as merely an experiment on the American mind, to see how far it will bear an avowed violation of the constitution. If this goes down we shall immediately see attempted another act of Congress, declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life. At least, this may be the aim of the Oliverians, while Monk & the Cavaliers (who are perhaps the strongest) may be playing their game for the restoration of his most gracious Majesty George the Third. That these things are in contemplation, I have no doubt; nor can I be confident of their failure, after the dupery of which our countrymen have shewn themselves susceptible.

You promised to endeavor to send me some tenants. I am waiting for them, having broken up two excellent farms with 12. fields in them of 40. acres each, some of which I have sowed with small grain, Tenants of any size may be accommodated

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with the number of fields suited to their force. Only send me good people, and write me what they are. Adieu. Yours affectionately.

PETITION ON ELECTION OF JURORS [1]

[October 1798.]

To the General Assembly of the Commonwealth of Virginia

The Petition of Sundry persons inhabitants of the county of Albemarle and citizens of the said Commonwealth respectfully sheweth.

That though civil govmt. duly framed and administered be one of the greatest blessings and most powerful instruments for procuring safety and happiness to men collected in large societies, yet such is the proneness of those to whom its powers are necessarily deputed to pervert them to the attainment of personal wealth and dominion & to the utter oppression of their fellow-men, that it has become questionable whether the condition of our aboriginal neighbors who live without laws or magistracies be not preferable to that of the great mass of the nations of the earth who feel their laws and magistrates but in the weight of their burthens. That the citizens of these U. S. impressed with this mortifying truth when they deposed the abusive govmt under which they have lived, founded their new forms, as well particular as general in that fact

[1] See letters to Madison of October 26, 1798, and to John Taylor of November 26, 1798.

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and principle, that the people themselves are the safest deposit of power, and that none therefore should be trusted to others which they can competently exercise themselves, that their own experience having proved that the people are competent to the appointment or election of their agents, that of their chief executive magistrates was reserved to be made by themselves or by others chosen by themselves: as was also the choice of their legislatures whether composed of one or more branches: that in the judiciary department, sensible that they were inadequate to questions of law, these were in ordinary cases confided to permanent judges, reserving to juries only extraordinary cases where a bias in the permanent judge might be suspected, and where honest ignorance would be safer than perverted science: and reserving to themselves also the whole department of fact which constitutes indeed the great mass of judiciary litigations: that the wisdom of these reservations will be apparent on a recurrence to the history of that country from which we chiefly emigrated, where the faint glimmerings of liberty and safety now remaining to the nation are kept in feeble life by the reserved powers of the people only. That in the establishment of the trial by jury, however, a great inconsistence has been overlooked in this and some others of the states, or rather has been copied from their original without due attention: for while the competence of the people to the appointmt even of the highest executive and the legislative agents is admitted & established, and their competence to be themselves

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the triers of judiciary facts, the appointment of the special individuals from among themselves who shall be such triers of fact has not been left in their hands, but has been placed by law in officers dependent on the executive or judiciary bodies: that triers of fact are therefore habitually taken in this state from among accidental bystanders and too often composed of foreigners attending on matters of business and of idle persons collected for purposes of dissipation, and in cases interesting to the powers of the public functionaries may be specially selected from descriptions of persons to be found in every country, whose ignorance or dependance renders them pliable to the will and designs of power. That in others of these states, [and particularly in those to the eastward of the union,[1]] this germ of rottedness in the constitution of juries has been carefully excluded, and their laws have provided with laudable foresight for the appointment of jurors by selectmen chosen by the people themselves: and to a like restitution of principle and salutary precaution against the abuse of power by the public functionaries, who never did yet in any country fail to betray and oppress those for the care of whose affairs they were appointed, by force if they possessed it, or by fraud and delusion if they did not, your petitioners pray the timely attention of their legislature, while that legislature (and with a heartfelt satisfaction the petitioners pronounce it) are still honest enough to wish the preservation of the rights of the people, and wise enough to circumscribe in time the spread

[1] This clause is struck out in MS.

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of that gangrene which sooner than many are aware may reach the vitals of our political existence.

And lest it should be supposed that the popular appointmt of jurors may scarcely be practicable in a state so exclusive and circumstanced as ours, your petitioners will undertake to suggest one mode, not presumg to propose it for the adoption of the legislature, but firmly relying that their wisdom will devise a better: they observe then that by a law already passed for the establishment of schools provision has been made for laying off every county into districts or precincts; that this division which offers so many valuable resources for the purposes of information, of justice, of order and police, may be recurred to for the object now in contemplation, and may be completed for this purpose where it has not been done for the other, and the inhabitants of every precinct may meet at a given time and place in their precinct and in the presence of the constable or other head officer of the precinct, elect from among themselves some one to be a juror, that from among those so chosen in every county some one may be designated by lot, who shall attend the ensuing session of the federal court within the state to act as grand and petty jurors, one of those from every senatorial district being designated by lot for a grand juror, and the residue attending to serve as petty jurors to be in like manner designated by lot in every particular case: that of the others so chosen in every county composing a district for the itinerant courts of this Commonwealth so many may be taken by lot as shall suffice for grand and petty

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juries for the district court next ensuing their election; and the residue so chosen in each county may attend their own county courts for the same purposes till another election, or if too numerous the supernumeraries may be discharged by lot: and that such compensation may be allowed for these services as without rendering the office an object worth canvassing may yet protect the juror from actual loss. That an institution on this outline, or such better as the wisdom of the Gen. ass. will devise, so modified as to guard it against the intrigue of parties, the influence of power, or irregularities of conduct, and further matured from time to time as experience shall develop its imperfections, may long preserve the trial by jury, in its pure and original spirit, as the true tribunal of the people, for a mitigation in the execution of hard laws when the power of preventing their passage is lost, and may afford some protection to persecuted man, whether alien or citizen, which the aspect of the times warns we may want.

And your petitioners, waiving the expression of many important considerations which will offer themselves readily to the reflection of the general assembly, pray them to take the premises into deep and serious consideration and to do therein for their country what their wisdom shall deem best, and they as in duty bound shall ever pray &c.

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TO JAMES MADISON J. MSS.

Oct. 26th. 98.

The day after you left us, I sat down and wrote the petition I mentioned to you. It is not yet correct enough, & I enclose you a copy to which I pray your corrections, and to return it by the next post, that it may be set in motion. On turning to the judiciary law of the U. S. I find they established the designation of jurors *by lot or otherwise as NOW practised in the several states;* should this prevent, in the first moment the execution of so much of the proposed law, as respects the federal courts, the people will be in possession of the right of electing jurors as to the state courts, & either Congress will agree to conform their courts to the same rule, or they will be loaded with an odium in the eyes of the people generally which will force the matter through. I will send you a copy of the other paper by Richardson. Do not send for him till Monday sennight, because that gives us another post-day to warn you of any unexpected delays in winding up his work here for the season, which, tho' I do not foresee, may yet happen. Adieu affectionately.

TO JAMES MADISON J. MSS.

MONTICELLO, November 17, 1798.

Mr. Richardson has been detained by several jobs indespensible to the progress of the carpenters, & to the securing what is done against winter. When will Whitten be done with you? or could you by any

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means dispense with his services till I set out for Philadelphia? My floors can only be laid while I am at home, and I can not get a workman here. Perhaps you have some other with you or near you who could go on with your work till his return to you. I only mention these things that if you have any other person who could enable you to spare him a few weeks, I could employ him to much accommodation till my departure in laying my floors. But in this consult your own convenience only.

I enclose you a copy of the draught of the Kentucky resolves. I think we should distinctly affirm all the important principles they contain, so as to hold to that ground in future, and leave the matter in such a train as that we may not be committed absolutely to push the matter to extremities, & yet may be free to push as far as events will render prudent. I think to set out so as to arrive in Philadelphia the Saturday before Christmas. My friendly respects to mrs. Madison, to your father & family; health, happiness & adieu to yourself.

40. lbs. of [ ] nails @ 14½d per lb. were sent this morning, being all we had. They contained (according to the count of a single pound) 314 × 40 = 12.560.

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DRAFTS OF THE KENTUCKY RESOLUTIONS OF 1798 [1]

J. MSS.

[Nov. 1798]

ROUGH DRAFT

1. Resolved that the several states composing the U. S. of America did are not united on the principle of unlimited submission to their general gov-

FAIR COPY

1. *Resolved*, That the several States composing the United States of America, are not united on the principle of unlimited submission to their

[1] The text in the first column is from the rough draft, and that in the second from a fair copy. The facsimile is the text actually moved by Breckenridge, adopted by the Kentucky legislature, and sent to the other state legislatures.

As early as April 26, 1798 (see *ante*, p. 411) Jefferson was predicting and disapproving of possible Alien and Sedition bills, and from that time his letters express the strongest dislike to those acts. Thoroughly opposed to disunion (see letter to John Taylor, VII, p. 430) yet believing these Federalist measures only initial steps towards a dictatorship or monarchy, Jefferson cast about him for some means of checking the project, and finally hit upon the now famous doctrine of nullification of Federal statutes by means of resolutions of state legislatures. No one better realized the hazard of such a doctrine than its inventor, as is indicated not merely by the guarded phrasing, (done with purpose as is shown by his letters to Madison, Taylor, and Nicholas, *post*,) but quite as much by the absolute secrecy with which his share in the whole attempt was kept for many years.

The resolutions were originally prepared for North Carolina, and their destination changed for reasons given in the letter to Nicholas, *ante*, p. 449.

Jefferson wrote to Madison:

"MONTICELLO, November 17, 1798.

"I enclose you a copy of the draught of the Kentucky resolves. I think we should distinctly affirm all the important principles they contain, so as to hold to that ground in future, and leave the matter in such a train as that we may not be committed to push matters to extremities, & yet may be free to push as far as events will render prudent."

To Taylor he wrote:

"MONTICELLO, Nov. 26, 1798.

"For the present I should be for resolving the alien & sedition laws to be against the constitution & merely void, and for addressing the

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KENTUCKY LEGISLATURE.

In the House of Repreſentatives,

NOVEMBER 10*th*, 1798.

THE HOUSE according to the ſtanding Order of the Day, reſolved itſelf into a Committee of the Whole on the ſtate of the Commonwealth,

Mr. CALDWELL in the Chair,

And after ſometime ſpent therein the Speaker reſumed the Chair, and Mr. Caldwell reported, that the Committee had according to order had under conſideration the Governor's Addreſs, and had come to the following RESOLUTIONS thereupon, which he delivered in at the Clerk's table, where they were twice read and agreed to by the Houſe.

I. RESOLVED, that the ſeveral ſtates compoſing the United States of America, are not united on the principle of unlimited ſubmiſſion to their General Government; but that by compact under the ſtyle and title of a Conſtitution for the United States and of amendments thereto, they conſtituted a General Government for ſpecial purpoſes, delegated to that Government certain definite powers, reſerving, each ſtate to itſelf, the reſiduary maſs of right to their own ſelf Government; and that whenſoever the General Government aſſumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each ſtate acceded as a ſtate, and is an integral party, its co-ſtates forming as to itſelf, the other party: That the Government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itſelf; ſince that would have made its diſcretion, and not the conſtitution, the meaſure of its powers; but that as in all other caſes of compact among parties having no common Judge, each party has an equal right to judge for itſelf, as well of infractions as of the mode and meaſure of redreſs.

II. Reſolved, that the Conſtitution of the United States having delegated to Congreſs a power to puniſh treaſon, counterfeiting the ſecurities and current coin of the United States, piracies and felonies committed on the High Seas, and offences againſt the laws of nations, and no other crimes whatever, and it being true as a general principle, and one of the amendments to the Conſtitution having alſo declared, "that the powers not delegated to the United States by the Conſtitution, nor prohibited by it to the ſtates, are reſerved to the ſtates reſpectively, or to the people," therefore alſo the ſame act of Congreſs paſſed on the 14th day of July, 1798, and entitled "An act in addition to the act entitled an act for the puniſhment of certain crimes againſt the United States;" as alſo the act paſſed by them on the 27th day of June, 1798, entitled "An act to puniſh frauds committed on the Bank of the United States" (and all other their acts which aſſume to create, define, or puniſh crimes other than thoſe enumerated in the conſtitution) are altogether void and of no force, and that the power to create, define, and puniſh ſuch other crimes is reſerved, and of right appertains ſolely and excluſively to the reſpective ſtates, each within its own Territory.

III. Reſolved, that it is true as a general principle, and is alſo expreſsly declared by one of the amendments to the Conſtitution that "the powers not delegated to the United States by the Conſtitution, nor prohibited by it to the ſtates, are reſerved to the ſtates reſpectively or to the people;" and that no power over the freedom of religion, freedom of ſpeech, or freedom of the preſs being delegated to the United States by the Conſtitution, nor prohibited by it to the ſtates, all lawful powers reſpecting the ſame did of right remain, and were reſerved to the ſtates, or to the people: That thus was manifeſted their determination to retain to themſelves the right of judging how far the licentiouſneſs of ſpeech and of the preſs may be abridged without leſſening their uſeful freedom, and how far thoſe abuſes which cannot be ſeparated from

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their uſe, ſhould be tolerated rather than the uſe be deſtroyed; and that alſo they guarded againſt all abridgement by the United States of the freedom of religious opinions and exerciſes, and retained to themſelves the right of protecting the ſame, as this ſtate by a Law paſſed on the general demand of its Citizens, had already protected them from all human reſtraint or interference: And that in addition to this general principle and expreſs declaration, another and more ſpecial proviſion has been made by one of the amendments to the Conſtitution which expreſſly declares, that "Congreſs ſhall make no law reſpecting an Eſtabliſhment of religion, or prohibiting the free exerciſe thereof, or abridging the freedom of ſpeech, or of the preſs," thereby guarding in the ſame ſentence, and under the ſame words, the freedom of religion, of ſpeech, and of the preſs, inſomuch, that whatever violates either, throws down the ſanctuary which covers the others, and that libels, falſehoods, and defamation, equally with hereſy and falſe religion, are withheld from the cognizance of federal tribunals. That therefore the act of the Congreſs of the United States paſſed on the 14th day of July 1798, entitled "An act in addition to the act for the puniſhment of certain crimes againſt the United States," which does abridge the freedom of the preſs, is not law, but is altogether void and of no effect.

IV. Reſolved, that alien friends are under the juriſdiction and protection of the laws of the ſtate wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual ſtates diſtinct from their power over citizens; and it being true as a general principle, and one of the amendments to the Conſtitution having alſo declared, that "the powers not delegated to the United States by the Conſtitution nor prohibited by it to the ſtates are reſerved to the ſtates reſpectively or to the people," the act of the Congreſs of the United States paſſed on the 22d day of June, 1798, entitled "An act concerning aliens," which aſſumes power over alien friends not delegated by the Conſtitution, is not law, but is altogether void and of no force.

V. Reſolved, that in addition to the general principle as well as the expreſs declaration, that powers not delegated are reſerved, another and more ſpecial proviſion inſerted in the Conſtitution from abundant caution has declared, "that the *migration* or importation of ſuch perſons as any of the ſtates now exiſting ſhall think proper to admit, ſhall not be prohibited by the Congreſs prior to the year 1808." That this Commonwealth does admit the migration of alien friends deſcribed as the ſubject of the ſaid act concerning aliens; that a proviſion againſt prohibiting their migration, is a proviſion againſt all acts equivalent thereto, or it would be nugatory; that to remove them when migrated is equivalent to a prohibition of their migration, and is therefore contrary to the ſaid proviſion of the Conſtitution, and void.

VI. Reſolved, that the impriſonment of a perſon under the protection of the Laws of this Commonwealth on his failure to obey the ſimple *order* of the Preſident to depart out of the United States, as is undertaken by the ſaid act entitled "An act concerning Aliens," is contrary to the Conſtitution, one amendment to which has provided, that "no perſon ſhall be deprived of liberty without due proceſs of law" and that another having provided "that in all criminal proſecutions, the accuſed ſhall enjoy the right to a public trial by an impartial jury, to be informed of the nature and cauſe of the accuſation, to be confronted with the witneſſes againſt him, to have compulſory proceſs for obtaining witneſſes in his favour, and to have the aſſiſtance of counſel for his defence," the ſame act undertaking to authorize the Preſident to remove a perſon out of the United States who is under the protection of the Law, on his own ſuſpicion, without accuſation, without jury, without public trial, without confrontation of the witneſſes againſt him, without having witneſſes in his favour, without defence, without counſel, is contrary to theſe proviſions alſo of the Conſtitution;

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is therefore not law but utterly void and of no force.

That transferring the power of judging any perſon who is under the protection of the laws, from the Courts to the Preſident of the United States, as is undertaken by the ſame act concerning Aliens, is againſt the article of the Conſtitution which provides, that "the judicial power of the United States ſhall be veſted in Courts, the Judges of which ſhall hold their offices during good behaviour," and that the ſaid act is void for that reaſon alſo; and it is further to be noted, that this tranſfer of Judiciary power is to that magiſtrate of the General Government who already poſſeſſes all the Executive, and a qualified negative in all the Legiſlative powers.

VII. Reſolved, that the conſtruction applied by the General Government (as is evinced by ſundry of their proceedings) to thoſe parts of the Conſtitution of the United States which delegate to Congreſs a power to lay and collect taxes, duties, impoſts, and exciſes; to pay the debts, and provide for the common defence, and general welfare of the United States, and to make all laws which ſhall be neceſſary and proper for carrying into execution the powers veſted by the Conſtitution in the Government of the United States, or any department thereof, goes to the deſtruction of all the limits preſcribed to their power by the Conſtitution—That words meant by that inſtrument to be ſubſidiary only to the execution of the limited powers, ought not to be ſo conſtrued as themſelves to give unlimited powers, nor a part ſo to be taken, as to deſtroy the whole reſidue of the inſtrument: That the proceedings of the General Government under colour of theſe articles, will be a fit and neceſſary ſubject for reviſal and correction at a time of greater tranquility, while thoſe ſpecified in the preceding reſolutions call for immediate redreſs.

VIII. Reſolved, that the preceding Reſolutions be tranſmitted to the Senators and Repreſentatives in Congreſs from this Commonwealth, who are hereby enjoined to preſent the ſame to their reſpective Houſes, and to uſe their beſt endeavours to procure at the next ſeſſion of Congreſs, a repeal of the aforeſaid unconſtitutional and obnoxious acts.

IX. Reſolved laſtly, that the Governor of this Commonwealth be and he is hereby authoriſed and requeſted to communicate the preceding Reſolutions to the Legiſlatures of the ſeveral States, to aſſure them that this Commonwealth conſiders Union for ſpecified National purpoſes, and particularly for thoſe ſpecified in their late Federal Compact, to be friendly to the peace, happineſs, and proſperity of all the ſtates: that faithful to that compact, according to the plain intent and meaning in which it was underſtood and acceded to by the ſeveral parties, it is ſincerely anxious for its preſervation: that it does alſo believe, that to take from the ſtates all the powers of ſelf government, and tranſfer them to a general and conſolidated Government, without regard to the ſpecial delegations and reſervations ſolemnly agreed to in that compact, is not for the peace, happineſs, or proſperity of theſe ſtates: And that therefore, this Commonwealth is determined, as it doubts not its Co-ſtates are, tamely to ſubmit to undelegated & conſequently unlimited powers in no man or body of men on earth: that if the acts before ſpecified ſhould ſtand, theſe concluſions would flow from them; that the General Government may place any act they think proper on the liſt of crimes & puniſh it themſelves, whether enumerated or not enumerated by the Conſtitution as cognizable by them: that they may tranſfer its cognizance to the Preſident or any other perſon, who may himſelf be the accuſer, counſel, judge, and jury, whoſe *ſuſpicions* may be the evidence, his order the ſentence, his officer the executioner, and his breaſt the ſole record of the tranſaction: that a very numerous and valuable deſcription of the inhabitants of theſe ſtates, being by this precedent reduced as outlaws to the abſolute dominion of one man and the bar aſt of the Conſtitution thus ſwept away from us all, no rampart now remains againſt the paſſions and the power of a majority of Congreſs, to protect from a like exportation or other more grievous puniſhment the minority of the ſame body, the

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Legiſlatures, Judges, Governors, & Counſellors of the ſtates, nor their other peaceable inhabitants who may venture to reclaim the conſtitutional rights & liberties of the ſtates & people, or who, for other cauſes, good or bad, may be obnoxious to the views or marked by the ſuſpicions of the Preſident, or be thought dangerous to his or their elections or other intereſts public or perſonal: that the friendleſs alien has indeed been ſelected as the ſafeſt ſubject of a firſt experiment: but the citizen will ſoon follow, or rather has already followed; for, already has a Sedition Act marked him, as its prey: that theſe and ſucceſſive acts of the ſame character, unleſs arreſted on the threſhold, may tend to drive theſe ſtates into revolution and blood, and will furniſh new calumnies againſt Republican Governments, and new pretexts for thoſe who wiſh it to be believed, that man cannot be governed but by a rod of iron: that it would be a dangerous deluſion were a confidence in the men of our choice to ſilence our fears for the ſafety of our rights: that confidence is every where the parent of deſpotiſm: free government is founded in jealouſy and not in confidence; it is jealouſy, and not confidence which preſcribes limited Conſtitutions to bind down thoſe whom we are obliged to truſt with power: that our Conſtitution has accordingly fixed the limits to which and no further our confidence may go; and let the honeſt advocate of confidence read the Alien and Sedition Acts, and ſay if the Conſtitution has not been wiſe in fixing limits to the Government it created, and whether we ſhould be wiſe in deſtroying thoſe limits? Let him ſay what the Government is if it be not a tyranny, which the men of our choice have conferred on the Preſident, and the Preſident of our choice has aſſented to and accepted over the friendly ſtrangers, to whom the mild ſpirit of our Country and its laws had pledged hoſpitality and protection: that the men of our choice have more reſpected the bare ſuſpicions of the Preſident than the ſolid rights of innocence, the claims of juſtification, the ſacred force of truth, and the forms & ſubſtance of law and juſtice. In queſtions of power then let no more be heard of confidence in man, but bind him down from miſchief by the bands of the Conſtitution. That this Commonwealth does therefore call on its Co-ſtates for an expreſſion of their ſentiments on the acts concerning Aliens, and for the puniſhment of certain crimes herein before ſpecified, plainly declaring whether theſe acts are or are not authoriſed by the Federal Compact? And it doubts not that their ſenſe will be ſo announced as to prove their attachment unaltered to limited Government, whether general or particular, and that the rights and liberties of their Co-ſtates will be expoſed to no dangers by remaining embarked on a common bottom with their own: That they will concur with this Commonwealth in conſidering the ſaid acts as ſo palpably againſt the Conſtitution as to amount to an undiſguiſed declaration, that the Compact is not meant to be the meaſure of the powers of the General Government, but that it will proceed in the exerciſe over theſe ſtates of all powers whatſoever: That they will view this as ſeizing the rights of the ſtates and conſolidating them in the hands of the General Government with a power aſſumed to bind the ſtates (not merely in caſes made federal) but in all caſes whatſoever, by laws made, not with their conſent, but by others againſt their conſent: That this would be to ſurrender the form of Government we have choſen, and to live under one deriving its powers from its own will, and not from our authority; and that the Co-ſtates recurring to their natural right in caſes not made federal, will concur in declaring theſe acts void and of no force, and will each unite with this Commonwealth in requeſting their repeal at the next ſeſſion of Congreſs.

EDMUND BULLOCK, S. H. R.
JOHN CAMPBELL, S. S. P. T.

Paſſed the Houſe of Repreſentatives, Nov. 10th, 1798.

Atteſt,
THOMAS TODD, C. H. R.

IN SENATE, November 13th, 1798, unanimously concurred in,

Atteſt, B. THRUSTON, Clk. Sen

Approved November 16th, 1798.

JAMES GARRARD, G. K.

BY THE GOVERNOR,
HARRY TOULMIN,
Secretary of State

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ernment; but that by a compact under the style & title of a Constitution for the U. S. and of Amendments thereto, they constituted a General government for special purposes; delegated to that govern-

general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes,—

other States to obtain similar declarations; and I would not do anything at this moment which should commit us further, but reserve ourselves to shape our future measures or no measures, by the events which may happen."

The history of the resolutions Jefferson stated in a letter to John Cabel Breckenridge:

"MONTICELLO, December 11, 1821.

"DEAR SIR,—Your letter of December 19th places me under a dilemma which I cannot solve but by an exposition of the naked truth. I would have wished this rather to have remained as hitherto, without inquiry, but your inquiries have a right to be answered. I will do it as exactly as the great lapse of time and a waning memory will enable me. I may misremember indifferent circumstances, but can be right in substance. At the time when the Republicans of our country were so much alarmed at the proceedings of the Federal ascendancy in Congress, in the Executive and the Judiciary departments, it became a matter of serious consideration how head could be made against their enterprises on the Constitution. The leading republicans in Congress found themselves of no use there, browbeaten as they were by a bold and overwhelming majority. They concluded to retire from that field, take a stand in their state legislatures, and endeavor there to arrest their progress. The Alien and Sedition laws furnished the particular occasion. The sympathy between Virginia and Kentucky was more cordial and more intimately confidential than between any other two States of republican policy. Mr. Madison came into the Virginia legislature. I was then in the Vice-Presidency, and could not leave my station; but your father, Colonel W. C. Nicholas, and myself, happening to be together, the engaging the co-operation of Kentucky in an energetic protestation against the constitutionality of those laws became a subject of consultation. Those gentlemen pressed me strongly to sketch resolutions for that purpose, your father undertaking to introduce them to that legislature, with a solemn assurance, which I strictly required, that it should not be known from what quarter they came. I drew and delivered them to him, and in keeping their origin secret he fulfilled his pledge of honor. Some years after

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ment certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government; and that whensoever the General government assumes undelegated powers, it's acts are

delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes un-

this, Colonel Nicholas asked me if I had any objection to it being known that I had drawn them. I pointedly enjoined that it should not. Whether he had unguardedly intimated before to any one I know not, but I afterwards observed in the papers repeated imputations of them to me, on which, as has been my practice on all occasions of imputation, I have observed entire silence. The question, indeed, has never before been put to me, nor should I answer it to any other than yourself, seeing no good end to be proposed by it, and the desire of tranquility inducing with me a wish to be withdrawn from public notice. Your father's zeal and talents were too well known to desire any additional distinction from the penning these resolutions. That circumstance surely was of far less merit than the proposing and carrying them through the legislature of his state. The only fact in this statement on which my memory is not distinct, is the time and occasion of the consultation with your father and Mr. Nicholas. It took place here I know, but whether any other person was present or communicated with is my doubt. I think Mr. Madison was either with us or consulted, but my memory is uncertain as to minor details. I fear, dear sir, we are now in such another crisis, with this difference only, that the judiciary branch is alone and singlehanded in the present assaults on the Constitution; but its assaults are more sure and deadly, as from an agent seemingly passive and unassuming. May you and your contemporaries meet them with the same determination and effect as your father and his did the 'alien and sedition' laws and preserve inviolate a constitution which, cherished in all its chastity and purity, will prove in the end a blessing to all the nations of the earth. With these prayers, accept those for your own happiness and prosperity."

The resolutions, with those of Virginia of 1798 and 1799, produced an extensive pamphlet literature at the time, a bibliography of which is a distinct desideratum, and has since then been the cause of many publications. The most interesting arguments on the questions involved are those of Story, Calhoun, Van Holst, and Johnston, and minute histories of the Kentucky resolutions have been written by R. T. Durrett (*Southern Bivouac*, 1, 577, 658, 760), and by E. D. Warfield (New York: 1887).

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unauthoritative, void & of no force.

That to this compact each state acceded as a state, and is an integral party, it's co-states forming, as to itself, the other party.

~~That the constitutional form of action for this commonwealth as a party with respect to any other party is by it's organized powers & not by it's citizens in a body.~~

That the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made it's discretion, & not the constitution, the measure of it's powers: but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions, as of the mode & measure of redress.

2. Resolved that, one of the Amendments to the Constitution having declared that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, the act

delegated powers, its acts are unauthoritative, void, and of no force: that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

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of the Congress of the U. S. passed on the 1st day of July 1798, intituled "An act in addition to the act intituled an Act for the punishment of certain crimes against the U. S." which does abridge the freedom of speech & of the press, is not law, but is altogether void and of no force.

2. Resolved that, the Constitution of the U. S. having delegated to Congress a power to punish treason, conterfeiting the securities & current coin of the U. S. and piracies & felonies committed on the high seas and offences against the law of nations, and no other crimes whatsoever, and it being true as a general principle, and one of the Amendments to the Constitution having also declared, that "the powers not delegated to the U. S. by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people," therefore also, the same act of Congress passed by Congress on the 14th day of July 1798, and intituled "an Act in addition to the act intituled an Act for the punishment of certain crimes against the U. S." as also the act

2. *Resolved*, That the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offences against the law of nations, and no other crimes whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," therefore the act of Congress, passed on the 14th day of July, 1798, and intituled "An Act in addition to the act intituled An Act for the punishment of certain crimes against the United

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passed by them on the day of June 1798, intituled "an Act to punish frauds committed on the bank of the U. S.," (and all their other acts which assume to create, define, or punish crimes, other than those so enumerated in the Constitution) are altogether void and of no force and that the power to create, define, & punish such other crimes is reserved, and of right appurtains solely and exclusively to the respective states, each within it's own territory.

3. Resolved that it is true as a general principle and is also expressly declared by one of the amendments to the constitution that "the powers not delegated to the U. S. by the constitution nor prohibited by it to the states, are reserved to the states respectively or to the people:" and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the U. S. by the constitution, nor prohibited by it to the states, all lawful powers respecting the same did of right remain, & were reserved to the states or the people: that

States," as also the act passed by them on the — day of June, 1798, intituled "An Act to punish frauds committed on the banks of the United States," (and all their other acts which assume to create, define, or punish crimes, other than those so enumerated in the Constitution,) are altogether void, and of no force; and that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States each within its own territory.

3. *Resolved*, That it is true as a general principle, and is also expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to

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thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far these abuses which cannot be separated from their use should be tolerated rather than the use be destroyed; and thus also they guarded against all abridgment by the U. S. of the freedom of religious opinions and exercises, & retained to themselves the right of protecting the same, as this state by a law passed on the general demand of it's citizens had already protected them from all human restraint and interference. And that in addition to this general principle & ~~the~~ express declaration, another & more special provision has been made by one of the amendments to the constitution which expressly declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech of the press" thereby guarding in the same sentence and under the same words the freedom of religion,

the States or the people: that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated, rather than the use be destroyed. And thus also they guarded against all abridgment by the United States of the freedom of religious opinions and exercises, and retained to themselves the right of protecting the same, as this State, by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference. And that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press": thereby guarding in the same

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of speech & of the press, insomuch that whatever violates ~~one~~ either throws down the sanctuary which covers the others, and that ~~putting with-olding~~ libels, falsehood and defamation equally with heresy & false religion are withheld from ~~federal~~ the cognisance of the federal tribunals, that therefore the act of the Congress of the U. S. passed on the 14th day of July 1798 intituled "an act in addition to the act intituled an Act for the punishment of certain crimes against the U.S." which does abridge the freedom of the press is not law, but is altogether void and of no force.

4. Resolved that Alien-friends are under the jurisdiction and protection of the laws of the state wherein they are, that no power over them has been delegated to the U. S. nor prohibited to the individual states distinct from their power over citizens: and it being true as a general principle, and one of the Amendments to the constitution having also declared, that "the powers not delegated to

sentence, and under the same words, the freedom of religion, of speech, and of the press: insomuch, that whatever violates either, throws down the sanctuary which covers the others, and that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals. That, therefore, the act of Congress of the United States, passed on the 14th day of July, 1798, intituled "An Act in addition to the act intituled An Act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void, and of no force.

4. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the State wherein they are: that no power over them has been delegated to the United States, nor prohibited to the individual States, distinct from their power over citizens. And it being true as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not

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the U. S. by the constitution, nor prohibited by it to the States are reserved to the states respectively, or to the people," the act of the Congress of the U. S. passed on the day of July 1798 intituled "an Act concerning Aliens" which assumes powers over alien friends not delegated by the constitution is not law, but is altogether void & of no force.

5. Resolved that in addition to the general principle, as well as the express declaration, that powers not delegated are reserved, another and more special provision, inserted in the constitution from abundant caution, has declared that "the migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808," that this commonwealth does admit the migration of Alien friends described as the subject of the said act concerning aliens; that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would be nugadelegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," the act of the Congress of the United States, passed on the — day of July, 1798, intituled "An Act concerning aliens," which assumes powers over alien friends, not delegated by the Constitution, is not law, but is altogether void, and of no force.

5. *Resolved*, That in addition to the general principle, as well as the express declaration, that powers not delegated are reserved, another and more special provision, inserted in the Constitution from abundant caution, has declared that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808": that this commonwealth does admit the migration of alien friends, described as the subject of the said act concerning aliens: that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would

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tory; that to remove them when migrated is equivalent to a prohibition of their migration, and is therefore contrary to the said provision of the constitution, and void.

6. Resolved that the imprisonment of a person under the protection of the laws of this commonwealth on his failure to obey the simple order of the President to depart out of the U. S. as is undertaken by the said act intituled "an act concerning Aliens" is contrary to the constitution, one amendment to which has provided that "no person shall be deprived of liberty, without due process of law"; and that another having provided that " in all criminal cases prosecutions the accused shall enjoy the right to a public trial, by an impartial jury, to be informed of the nature & cause of the accusation to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defence" the same act undertaking to authorise the President to remove a person out of the U. S. who is under the protection of the law, on

be nugatory: that to remove them when migrated, is equivalent to a prohibition of their migration, and is, therefore, contrary to the said provision of the Constitution, and void.

6. *Resolved*, That the imprisonment of a person under the protection of the laws of this commonwealth, on his failure to obey the simple *order* of the President to depart out of the United States, as is undertaken by said act intituled "An Act concerning aliens," is contrary to the Constitution, one amendment to which has provided that "no person shall be deprived of liberty without due process of law" and that another having provided that "in all criminal prosecutions the accused shall enjoy the right to public trial by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence," the same act, undertaking to authorize the President to remove a person out of the United States, who is under the protection of the

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his own suspicion without accusation, without jury, without public trial, without confrontation of the witnesses against him, without hearing witnesses in his favor, without defence, without counsel, is contrary to these provisions also of the constitution, is therefore not law, but utterly void and of no force. That transferring the power of judging any person who is under the protection of the laws from the courts to the President of the U. S. as is undertaken by the same act concerning aliens, is against the article of the constitution which provides that " the judicial power of the U. S. shall be vested in courts the judges of which shall hold their offices during good behavior," and that the s'd act is void for that reason also. And it is further to be noted that this transfer of judiciary power is to that magistrate of the general government who already possesses all the Executive and a negative on all the Legislative proceed.

7. Resolved that the construction applied by the general government, (as is evidenced by sundry of their

law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without hearing witnesses in his favor, without defence, without counsel, is contrary to the provision also of the Constitution, is therefore not law, but utterly void, and of no force: that transferring the power of judging any person, who is under the protection of the laws, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides that "the judicial power of the United States shall be vested in courts, the judges of which shall hold their offices during good behavior"; and that the said act is void for that reason also. And it is further to be noted, that this transfer of judiciary power is to that magistrate of the general government who already possesses all the Executive, and a negative on all Legislative powers.

7. *Resolved*, That the construction applied by the General Government (as is evidenced by sundry of their

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proceedings) to those parts of the constitution of the U. S. which delegate to Congress a power "to lay & collect taxes, duties, imposts, & excises, to pay the debt and provide for the common defence and welfare of the U. S." and "to make all laws which shall be necessary & proper for carrying into execution the powers vested by the constitution in the government of the U. S. or in any department or officers thereof," goes to the destruction of all the limits prescribed to their power by the constitution; that words meant by that instrument to be subsidiary only to the execution of limited powers, ought not to be so construed as themselves to give unlimited powers nor a part to be so taken as to destroy the whole residue of the instrument. That the proceedings of the general government under colour of these articles, will be a fit and necessary subject of revisal & correction at a time of greater tranquillity, while those specified, in the preceding resolutions, call for immediate redress.

proceedings) to those parts of the Constitution of the United States which delegate to Congress a power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States," and "to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or in any department or officer thereof," goes to the destruction of all limits prescribed to their power by the Constitution: that words meant by the instrument to be subsidiary only to the execution of limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part to be so taken as to destroy the whole residue of that instrument: that the proceedings of the General Government under color of these articles, will be a fit and necessary subject of revisal and correction, at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

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8. Resolved that a committee of conference & correspondence be appointed who shall have in charge to communicate the preceding resolutions to the legislatures of the several states, to assure them that this commonwealth continues in the same esteem for their friendship and union which it has manifested from that moment at which a common danger first suggested a common union: that it considers union, for specified national purposes, and particularly for those specified in their late federal compact, to be friendly to the peace, happiness and prosperity of all the states: that faithful to that compact, according to the plain intent & meaning in which it was understood & acceded to by the several parties, it is sincerely anxious for it's preservation. That it does also believe that to take from the states all the powers of self-government, & transfer them to a general & consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness or prosperity of

8th. *Resolved*, That a committee of conference and correspondence be appointed, who shall have in charge to communicate the preceding resolutions to the Legislatures of the several States; to assure them that this commonwealth continues in the same esteem of their friendship and union which it has manifested from that moment at which a common danger first suggested a common union: that it considers union, for specified national purposes, and particularly to those specified in the late federal compact, to be friendly to the peace, happiness, and prosperity of all the States: that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation: that it does also believe, that to take from the States all the powers of self-government and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace,

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these states: and that therefore this commonwealth is determined, as it doubts not it's co-states are, to submit to undelegated & consequently unlimited powers in no man, or body of men on earth: ~~that it ought not~~ that in cases of an abuse of the delegated powers, the members of the general government being chosen by the people, a change by the people would be the constitutional remedy; but where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every state has a natural right in cases not within the compact (*casus non fœderis*) to nullify of their own authority, all assumptions of power by others within their limits, that without this right they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them: that nevertheless this commonwealth from motives of regard & respect for it's co-states has wished to communicate with them on the subject; that with them alone it is proper to communicate, they alone being parties to the compact, & happiness, or prosperity of these States; and that therefore this commonwealth is determined, as it doubts not its co-States are, to submit to undelegated, and consequently unlimited powers in no man, or body of men on earth: that in cases of an abuse of the delegated powers, the members of the general government, being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact, (*casus non fœderis*,) to nullify of their own authority all assumptions of power by others within their limits: that without this right they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them: that nevertheless, this commonwealth from motives of regard and respect for its co-States, has wished to communicate with them on the subject: that with them alone it is proper to communicate, they alone

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solely authorised to judge in the last resort of the powers exercised under it; Congress being not a party, but merely the creature of the compact & subject as to it's assumptions of power to the final judgment of those by whom & for whose use itself and it's powers were all created and modified, that if those acts before specified should stand, these conclusions would flow from them; that the General government may place any act they think proper on the list of crimes and punish it themselves whether enumerated or not enumerated by the constitution as cognizable by them, that they may transfer its cognisance to the President or any other person, who may himself be the accuser, counsel, judge & jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, & his breast the sole record of the transaction: that a very numerous & valuable description of the inhabitants of these states being, by this precedent reduced as Outlaws to the absolute dominion of one man, and the barrier of the constitution thus swept away for us

being parties to the compact, and solely authorized to judge the last resort of the powers exercised under it, Congress being not a party, but merely the creature of the compact, and subject as to its assumptions of power to the final judgment of those by whom, and for whose use itself and its powers were all created and modified: that if the acts before specified should stand, these conclusions would flow from them; that the general government may place any act they think proper on the list of crimes, and punish it themselves whether enumerated or not enumerated by the constitution as cognizable by them: that they may transfer its cognizance to the President, or any other person, who may himself be the accuser, counsel, judge and jury, whose *suspicions* may be the evidence, his *order* the sentence, his *officer* the executioner, and his breast the sole record of the transaction: that a very numerous and valuable description of the inhabitants of these States being, by this precedent, reduced, as outlaws, to the absolute dominion of one man,

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all, no rampart now remains against ~~the will and~~ the passions and the power of a majority in Congress, to protect from a like exportation or other more grievous punishment, the minority of the same body, the legislatures, judges, & governors, & counsellors of the states nor their other peaceable inhabitants who may venture to reclaim the constitutional rights and liberties of the states and the people, or who for other causes good or bad, may be obnoxious to the views, or marked by the suspicions of the President, or be thought dangerous to his or their elections or other interests public or personal: that the friendless alien has indeed been selected as the safest subject of a first experiment: but the citizen will soon follow, or rather has already followed; for already has a Sedition act marked him as it's prey: that these and successive acts of the same character unless arrested at the threshold necessarily drive these states into revolution and blood and will furnish new calumnies against republican government and new pretexts for those who

and the barrier of the Constitution thus swept away from us all, no rampart now remains against the passions and the powers of a majority in Congress to protect from a like exportation, or other more grievous punishment the minority of the same body, the legislatures, judges, governors and counsellors of the States, nor their other peaceable inhabitants, who may venture to reclaim the constitutional rights and liberties of the States and people, or who for other causes, good or bad, may be obnoxious to the views, or marked by the suspicions of the President, or be thought dangerous to his or their election, or other interests public or personal: that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather, has already followed, for already has a sedition act marked him as its prey: that these and successive acts of the same character, unless arrested at the threshold, necessarily drive these States into revolution and blood, and will furnish new calum-

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wish it to be believed that man cannot be governed but by a rod of iron that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is every where the parent of despotism, free government is founded in jealousy and not in confidence, it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power that our constitution has accordingly so fixed the limits to which and no further our confidence may go: and let the honest advocate of confidence read the Alien and Sedition Acts, and say if the constitution has not been wise in fixing limits to the government it created and whether we should be wise in destroying those limits? Let him say what the government is, if it be not a tyranny which the men of our choice have conferred on the President and the President of our choice has assented to and accepted over the friendly strangers to whom the mild spirit of our country & it's laws had pledged hospitality

nies against republican government, and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron: that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism—free government is founded in jealousy, and not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power: that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go; and let the honest advocate of confidence read the Alien and Sedition acts, and say if the Constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits. Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on our President, and the President of our choice has assented to, and accepted over the

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& protection: that the men of our choice have more respected the bare suspicions of the President than the solid rights of innocence, the claims of justification, the sacred force of truth and the forms and substance of law & justice: in questions of power then let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution. That this commonwealth does therefore call on it's co-states for an expression of their sentiments on the acts concerning aliens and for the punishment of certain crimes, herein before specified, plainly declaring whether these acts are, or are not, authorised by the federal compact? And it doubts not that their sense will be so enounced as to prove their attachment unaltered to limited government whether general or particular; & that the rights & liberties of their co-states will be exposed to no dangers by remaining embarked in a common bottom with their own: But ~~that~~ however confident at ~~other~~ times ~~this~~ commonwealth would ~~have been~~ in the deliberate judgment of the co-

friendly strangers to whom the mild spirit of our country and its laws have pledged hospitality and protection: that the men of our choice have more respected the bare *suspicions* of the President, than the solid right of innocence, the claims of justification, the sacred force of truth and the forms and substance of law and justice. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. That this commonwealth does therefore call on its co-States for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes herein before specified, plainly declaring whether these acts are or are not authorized by the federal compact. And it doubts not that their sense will be so announced as to prove their attachment unaltered to limited government, whether general or particular. And that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked in a common bottom with their own.

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states and that but one opinion would be entertained on the unjustiable character of the acts herein specified, yet it cannot be insensible that circumstances do exist, & that passions are at this time afloat which may give a bias to the judgment to be pronounced on this subject, that times of passion are peculiarly those when precedents of wrong are yielded to with the last caution, when encroachments of powers are most usually made & principles are least watched. That whether the coincidence of the occasion & the encroachment in the present case has been from accident or design, the right of the commonwealth to the government of itself in cases not [*illegible*] parted with, is too vitally important to be yielded from temporary or secondary considerations: that a fixed determination therefore to retain it, requires us in candor and without reserve to declare & to warn our co-states that considering the said acts to be so palpably against the constitution as to amount to an undisguised declaration that that compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these States, of all powers whatsoever: that they will view this as seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed to bind the States, (not merely in the cases made federal, (*casus fœderis*,) but) in all cases whatsoever, by laws made, not with their consent, but by others against their consent; that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases not made federal, will concur in declaring these acts void, and of no force, and will each take measures of its own for providing that neither these acts, nor any others of the

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ure of the powers of the general government, but that it is to proceed in the exercise over these states of any & all powers whatever, considering this as seizing the rights of the states & consolidating them in the hands of the general government, with power to bind the states (not merely in the cases made federal *casus fœderis* but) in all cases whatsoever by laws not made with their consent, but by other states against their consent; considering all the consequences as nothing in comparison with that of yielding the form of government we have chosen & of living under one [*struck out*] deriving it's powers by from it's own will and not from our authority, this commonwealth, as an integral party, does in that case protest against such opinions and exercises of undelegated & unauthorised power, and does declare that recurring to it's natural right of judging & acting for itself, it will be constrained to take care of itself, & to provide by measures of it's own that no power not plainly & intentionally delegated by the constitution to the general government, shall

General Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories.

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~~be exercised within the territory of this commonwealth;~~ that they will concur with this comm. in considering the said acts so palpably against the const. as to amount to an undisguised declarn. that that compact is not meant to be the measure of the powers of the genl. govmt, but that it will proceed in the exercise over these states of all powers whatsoever, that they will view this as seizing the right of the states & consolidating them in the hands of the genl govt with power assumed to bind the states (not merely in the cases made federal) but in all cases whatsoever, by laws made not with their consent but by others against their consent, that this would be to surrender the form of govmt we have chosen & to live under one deriving it's powers from it's own will and not from our authority that the co-states recurring to their natural right in cases not made federal will concur in declaring these acts void and of no force & will each take measures of it's own providing that neither these acts nor any others of the government not plainly & intentionally authorized by

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the country to the genl govmt shall be exercised within their respective territories.

9. That the said committee be authorised to communicate by writing or personal conference, at any times or place whatever, with any person or persons who may be appointed by any one or more of the co-states to correspond or confer with them: & that they lay their proceedings before the next session of assembly: that the members of the said committee, while acting within the state, have the same allowance as the members of the General assembly, and while acting without the commonwealth, the same as members of Congress: and that the Treasurer be authorized, on warrants from the Governor, to advance them monies on account for the said services.

9th. *Resolved*, That the said committee be authorized to communicate by writing or personal conferences, at any times or places whatever, with any person or persons who may be appointed by any one or more co-States to correspond or confer with them; and that they lay their proceedings before the next session of Assembly.

TO JOHN TAYLOR J. MSS.

November 26, 98.

DEAR SIR,—We formerly had a debtor & creditor account of letters on farming; but the high price of tobo, which is likely to continue for some short time, has tempted me to go entirely into that culture, and in the meantime, my farming schemes are in abeyance,

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and my farming fields at nurse against the time of my resuming them. But I owe you a political letter. Yet the infidelities of the post office and the circumstances of the times are against my writing fully & freely, whilst my own dispositions are as much against mysteries, innuendoes & half-confidences. I know not which mortifies me most, that I should fear to write what I think, or my country bear such a state of things. Yet Lyon's judges, and a jury of all nations, are objects of rational fear. We agree in all the essential ideas of your letter. We agree particularly in the necessity of some reform, and of some better security for civil liberty. But perhaps we do not see the existing circumstances in the same point of view. There are many consideration dehors of the State, which will occur to you without enumeration. I should not apprehend them, if all was sound within. But there is a most respectable part of our State who have been enveloped in the X. Y. Z. delusion, and who destroy our unanimity for the present moment. This disease of the imagination will pass over, because the patients are essentially republican. Indeed, the Doctor is now on his way to cure it, in the guise of a tax gatherer. But give time for the medicine to work, & for the repetition of stronger doses, which must be administered. The principle of the present majority is *excessive expense*, money enough to fill all their maws, or it will not be worth the risk of their supporting. They cannot borrow a dollar in Europe, or above 2. or 3. millions in America. This is not the fourth of the expences of this year, un-

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provided for. Paper money would be perillous even to the paper men. Nothing then but excessive taxation can get us along; and this will carry reason & reflection to every man's door, and particularly in the hour of election. I wish it were possible to obtain a single amendment to our constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of it's constitution; I mean an additional article, taking from the federal government the power of borrowing. I now deny their power of making paper money or anything else a legal tender. I know that to pay all proper expences within the year, would, in case of war, be hard on us. But not so hard as ten wars instead of one. For wars would be reduced in that proportion; besides that the State governments would be free to lend *their credit* in borrowing quotas. For the present, I should be for resolving the alien & sedition laws to be against the constitution & merely void, and for addressing the other States to obtain similar declarations; and I would not do anything at this moment which should commit us further, but reserve ourselves to shape our future measures or no measures, by the events which may happen. It is a singular phenomenon, that while our State governments are the very *best in the world*, without exception or comparison, our general government has, in the rapid course of 9. or 10. years, become more arbitrary, and has swallowed more of the public liberty than even that of England. I enclose you a column, cut out of a London paper, to show

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you that the English, though charmed with our making their enemies our enemies, yet blush and weep over our sedition law. But I enclose you something more important. It is a petition for a reformation in the manner of appointing our juries, and a remedy against the *jury of all nations*, which is handing about here for signature, and will be presented to your house. I know it will require but little ingenuity to make objections to the details of its execution; but do not be discouraged by small difficulties; make it as perfect as you can at a first essay, and depend on amending its defects as they develop themselves in practice. I hope it will meet with your approbation & patronage. It is the only thing which can yield us a little present protection against the dominion of a faction, while circumstances are maturing for bringing & keeping the government in real unison with the spirit of their constituents. I am aware that the act of Congress has directed that juries shall be appointed by lot or otherwise, as the laws *now* (at the date of the act) in force in the several States provide. The New England States have always had them elected by their select men, who are elected by the people. Several or most of the other States have a large number appointed (I do not know how) to attend, out of whom 12. for each cause are taken by lot. This provision of Congress will render it necessary for our Senators or Delegates to apply for an amendatory law, accommodated to that prayed for in the petition. In the meantime, I would pass the law as if the amendatory one existed, in reliance, that our

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select jurors attending, the federal judge will, under a sense of right, direct the juries to be taken from among them. If he does not, or if Congress refuses to pass the amendatory law, it will serve as eye-water for their constituents. Health, happiness, *safety* & esteem to yourself and my ever-honored & antient friend, mr. Pendleton. Adieu.

TO WILSON CARY NICHOLAS J. MSS.

Nov. 29. 98.

The more I have reflected on the phrase in the paper you shewed me, the more strongly I think it should be altered. Suppose you were instead of the invitation to cooperate in the annulment of the acts, to make it an invitation " to concur with this commonwealth in declaring, as it does hereby declare, that the said acts are, and were *ab initio*, null, void and of no force, or effect". I should like it better. Health, happiness, and Adieu.

END OF VOLUME VIII.

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